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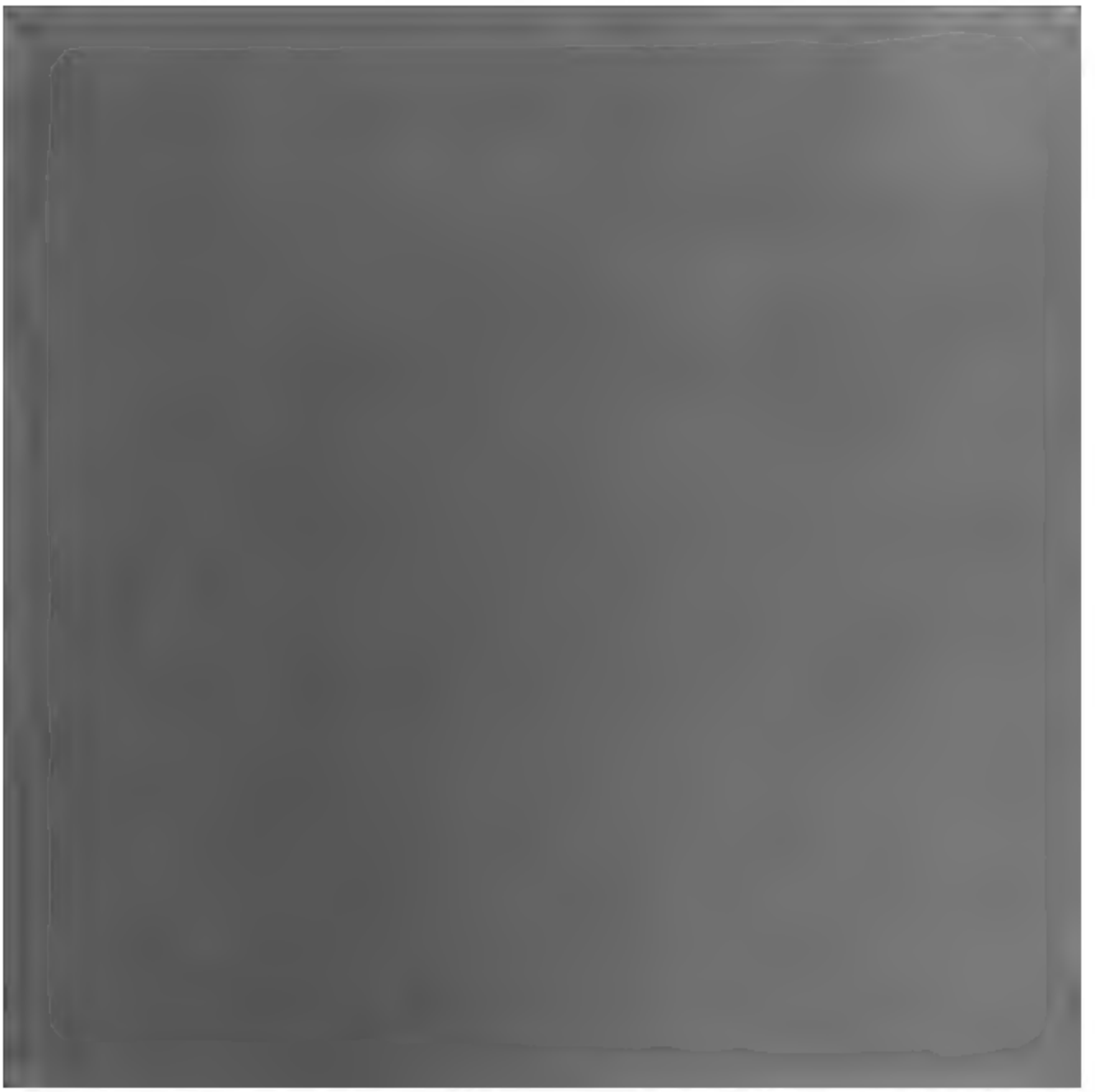

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE:

OR,

THE ART OF SPEAKING IN PUBLIC,

IN EVERY CHARACTER AND CAPACITY.

TRANSLATED INTO ENGLISH, AFTER THE BEST LATIN EDITIONS,

WITH NOTES, CRITICAL AND EXPLANATORY,

BY W. GUTHRIE, ESQ.

Quot Officia Oratoris, tot sunt Genera dicendi. CICERO.

IN TWO VOLUMES.

VOL. I.

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THE

PREFACE.

WITH SOME ACCOUNT OF THE

LIFE AND CHARACTER OF QUINCTILIAN.

EVER since I translated Cicero's Conferences de Oratore, I have been surprised that no complete system of English eloquence has been yet composed for the use of those who have occasion to speak in public; and, after long consideration, I could find no plan so unexceptionable, or effectual for that purpose, as a translation of Quinctilian.

Cicero's pieces upon eloquence are calculated for the use of professed orators. He is alike finished in all he advances; he preserves a wonderful propriety in his characters, and perspicuity in his precepts; he strikes us with admiration; he fills us with delight. We see the great orator in every period; and we never rise from him without secret emulation, and confest improvement, which, of all authors, he knows best to inspire and communicate.

But, in eloquence, as in other fine arts, a great composition may affect us strongly and agreeably; yet, before we can compose the like ourselves, we must study the principles,

as

as well as feel the effects of the art. W are pleased in hearing a fine piece of musi but no man can compose it without knowin the grounds of harmony, and the properti of sounds.

Were a master in painting to exhibit finished picture, and for the information c the world, publish dissertations vindicating th disposition, the colouring and characters, of hi piece; all this may give us pleasure, nay con viction, with regard to his merits; but th pupil who intends to be a painter, will not be gin with studying such dissertations. He will apply to the drawing-book, to perspec tive, to the doctrine of lights and shadows and a thousand other minutenesses, before he can hope to succeed in executing the like himself.

Cicero's most finished pieces upon eloquence are no other than fine dissertations upon his own performances. Quinctilian receives his future orator from the hands of the nurse He conducts him, through every stage of education, to the head of his profession, and, from thence, to a dignified retirement from business. But he executes his great plan, from its foundation to its superstructure, with more skill and address than perhaps any writer ever discovered in any art. His precepts are so many extracts of all that is valuable in the authors who have wrote upon eloquence, digested in so clear and regular an order, that the most inexperienced scarcely need any other guide to eloquence.

But this is not the most admirable part of my author's

author's character. Of all writers that ever lived, we have reason to believe he had the truest taste of the fine arts, though he made them all subservient to that of eloquence: he saw all of them were founded but upon one principle, that of nature, and she is always in his eye: Without her, he considers all precepts as so many systems of jargon, and his professed purpose in the following work is to restore her to the empire of the human mind. But here it is necessary I should deduce the state of learning amongst the Romans to Quinctilian's times, that we, thereby, may be enabled to judge of the motives that induced him to attempt so arduous an undertaking, as that of reviving true taste among his countrymen.

The age of Cicero produced an uncommon assemblage of fine speakers. Rome, before that age, had orators, all of them distinguished in their several times and manners; but their lustre was inconsiderable, compared to that blaze of eloquence, which broke out in the days of Cicero. That great man gave eloquence the highest perfection she has received to this time; and, though, perhaps, he might have been excelled by some of his cotemporaries in certain characters, yet he never was equalled upon the whole.

His manner, however, fell into discredit, if not before his death, yet soon after. Some great authors, with Sallust at their head, struck into another style of writing. They thought that of Cicero was too diffused, too florid, and too weak, if I may use the expression,

sion, to do execution upon the mind. They had studied the Greeks to infinite advantage; they availed themselves of the high character which Demosthenes and Thucydides and other great writers had acquired in eloquence, history, and philosophy; and adopted their manner, though we cannot say, in opposition to that of Cicero.

This could have done no prejudice to learning had it been pursued by none but men of great abilities. For composition of all kinds may be equally well executed in several manners. Even Cicero himself, in many passages of his works, shows, that it was in his power to have wrote like a Demosthenes, a Thucydides, or a Sallust, and, had he lived to have read Paterculus and Tacitus, he would have been amongst the first to do justice to their merit. Different manners of writing make no difference amongst great writers, though they do amongst little ones.

But political causes contributed strongly towards debauching true taste among the Romans. Under Augustus, it became fashionable to discredit the works and manner of Cicero. Even Virgil has, without any reserve, given up the province of eloquence to the Greeks; nor do I remember that Cicero is once mentioned in all the works of Horace, though he had many opportunities of introducing him with great advantage both to himself and the orator. But these are only negative proofs of dislike. Quinctilian tells us, that the two Asinii Polliones, father and son, orators of distinguished merit under Augustus, attacked Cicero's abilities,

tics, even as an orator, with acrimony; and we learn farther, that the younger Pollio wrote a Book to prove his father to be a better orator than Cicero.

But I am apt to think, that the great source of a corrupted style lay in the court of Augustus. He himself affected to be a writer both in prose and verse, though, from what we can observe, he was but an indifferent performer in both. It is true, only a very few scraps of his writing have come to our hands; but it is reasonable to presume, that had his compositions been excellent in their kind, they would have descended to posterity; especially considering the very great pains he bestowed upon them. Thus much, however, we learn from Suetonius, that he was a professed enemy to all ornaments of diction; and, if so, we cannot suppose him to have been any great admirer of Cicero's eloquence. But Suetonius, who appears to have seen his works in his own hand-writing, goes farther; for he tells us that he introduced several improprieties, (and improprieties they certainly are, if we regard Cicero as a standard) into the Latin tongue, and he gives us several very whimsical particulars, which looks as if that great man's ambition had been to introduce a new language.

The testimonies, however, we have of the bad taste of Mecænas, his favourite, and the great patron of wit, are more full and explicit. This minister's affectation of style was ridiculed even by Augustus himself, and Quinctilian has, with proper marks of reprobation, transmitted a scrap of his diction, which,

which, though very short, has striking characters of vicious, Anti-ciceronian, composition But after all, I can scarcely be persuaded that Mecænas was really so absurd in his taste of writing. He had great managements to observe with Augustus, who seems to have been very serious in his project of new moulding the Latin, and his minister, possibly, thought it best to give him no trouble on that head; nay, to carry his complaisance even to a pitch of ridicule.

It is no wonder if the other Romans followed those two great examples, and that the Latin language seemed ready to undergo a total alteration. Unhappily for learning, all the monsters, down to Galba, who succeeded Augustus in the Roman empire, affected the character of writers; and every man who dared to deviate from their manner exposed himself to certain destruction. This, joined to the fear which the Romans were under of speaking their minds in plain language, rendered the Latin no better than a medley of allegorical, enigmatical expressions, intermingled with strained figures and unnatural metaphors. The evil was increased by the vast swarms of needy Greeks who resorted to Rome, where they professed rhetoric, and took pains to decry Cicero. These fellows were greatly encouraged by the Romans, who at this time affected whatever was Greek: they set up a trade of teaching, and the Latin rhetoricians who were no better than their journeymen, imitated them in all their absurdities.

Perhaps, no people ever had so great a passion for eloquence as the Romans had during

the time of their republic. It was then the high road to all preferment; and when the liberties of their country were suppressed, the forms of their government still remained. These forms could not fail to put them in mind of the glorious times of their republic, wherein eloquence bore a decisive sway; when their best speakers were employed in the double duty of extending the empire, and asserting the freedom of their country. The Romans, though slaves under their emperors, still had the forum to resort to; even the senate preserved her appearances of power; their consuls still displayed all the exterior pomp of office, and not to mention the institution of many new courts of justice, the edicts of the prætor still continued to be their rules of equity.

It is no wonder, then, if the Romans, under their emperor, still retained a strong passion for eloquence. But its spirit was gone. The successors of Cæsar could not bear with the successors of Cicero. Being tyrants themselves they encouraged usurpers. His sceptre dwindled into a ferula, and his throne was cut out into so many pitiful desks, from whence the intruding professors of rhetoric railed against the lawful monarch of eloquence. Their business was not like his, to awaken the mind to sentiments of virtue and ideas of liberty; to raise, direct, and impel the great movements of the soul, to rouse the strong, and to inspire the tender passions; to fit the rules of eloquence to the arts of government, and to make the beauties of language the force of philosophy,

phy, and the fruits of experience subservient to the system of social happiness: no, the genuine charms of eloquence would have awakened mankind to virtue; her force must have impelled them to glory; and the true thunder of the forum must have shaken the pillars of tyranny.

It was the interest, therefore, of tyrants to debilitate and cripple every species of eloquence. They scarcely had any other safety. The care of words succeeded to that of things; real beauty was stifled under false ornament, and pretty thoughts filled the room of noble sentiments. Even satyr (witness Petronius, Persius, and others) concealed her mask under a vizard; for unintelligibility became a character of wit; and history only hinted at the faults she was afraid of publishing.

During such a state of the public the business of rhetoric was to teach men not how to express but how to conceal their thoughts. When some slavish compliment was made to power, the wretch who made it not being accustomed to a liberal practice of eloquence, run, at best, into a curious diction, bespangled with points, cut out into sentences, with the fetters of poetry without the freedom of sentiment. Nicknames, diminutives, abbreviations, elongations, and every species of what we may call the infantine diction, which seems to have had some encouragement from Augustus himself, was now in a manner incorporated with the Latin language. The amiable simplicity of style was considered as an infallible mark of dullness, and nature not only was abandoned but despised.

All these were consequences of that manner of teaching which Quinctilian undertook to reform. The rhetoricians, by whom I mean the schoolmasters, who taught rhetoric for fees, knew nothing either of law or philosophy; their education, like their birth, was generally mean, and they had few opportunities of knowing any but the lowest part of life. Hence it was, that never being admitted to the practice of the bar or the forum, they contrived imaginary subjects, in imitation of real causes, which they prescribed to their pupils to speak upon, *pro & contra*, as if they had been at the bar, where they were one day to practise.

This method, which is recommended by the practice of Cicero himself, is far from being either absurd or improper, when kept within due bounds: but the schoolmasters I have mentioned, instead of chusing their subjects from those common occurrences and incidents of life, that generally produce prosecutions and law-suits, formed ideal systems of government to themselves; and either invented chimerical laws, or adopted the most whimsical laws of antiquity or remote countries, for the basis of their reasonings. The oddity of the subject created an oddity of diction, which deviated from every received mode of speaking. Ideas from objects that naturally presented themselves, were discarded, to make room for those, if I may so speak, that were pressed into the service of this motly declamation, which the farther it deviated from common sense was the better received.

To

To crown the evils that arose to erudition, from such a complication of absurdities, Seneca, that paradox of learning, appeared when they were at their height. He had a bad heart and a false taste; but he disguised the one by a seeming enthusiasm for virtue, and recommended the other by an unbounded profusion of wit: his high station, his great influence, his immense riches, and extensive learning, rendered him a dictator both in philosophy and eloquence; and his mistaken ambition led him to make a most unmerciful use of his power. He was a professed enemy to Cicero, and to the practice of sustained eloquence; for he thought it not enough to be sentimental, unless he was sententious likewise. His good things, sometimes elbow themselves into his writings; his points often become troublesome by their injudicious intrusions; they are too dazzling to be pleasing, and too quick to be permanent. His composition is not like that of Cicero, and other great authors of antiquity; a composition where light and shade, strength, and gentleness, the gay, the grave, the majestic, and the lowly, though sweetly blended, and dying, as it were, into one another, have each its full effect, and are all disposed to the best advantage; his colours, indeed, are bright, but instead of being laid, they are frequently stuck upon his pieces; and though in his drawing we see an assemblage of many valuable detached figures, yet the piece is disagreeable upon the whole.

The evils which this manner introduced into writing, would easily have been remediable had they

they been confined to Seneca's own works. Posterity would then have considered him as a unique of his kind, and even at present, he is a sort of storehouse, to which our moral writers, both in prose and verse, are greatly indebted. But in his own life-time, he set up for a standard of writing; it was the fashion to conform to his manner; he would not suffer his (*) imperial pupil even to read the works of the old orators, and his authority became more pernicious than his example. Every writer, every declaimer, without one grain of wit or learning, struck into Seneca's manner, and excelled him in the greatest of his faults, though they could not copy him in the meanest of his beauties. Some, it is true, made a noble stand against this depravity of taste. The three emperors who succeeded Nero, had no leisure to influence eloquence; and Vespasian and Titus seem to have had no inclination; and thus the majority prevailing, the depravity, not only of eloquence, but of all written compositions, gained ground, and seemed to be upon the point of extinguishing true taste.

Such was the state of learning when Quinctilian laid his mighty plan for its reformation, But before I come to consider his character, and to draw the comparison between him, and my other great original, Cicero, I must introduce my reader to some acquaintance with his person and station in life; and in order to do this, I shall avoid all display of learning,

* See Suetonius in Nerone, cap. 52.

in

in which there can be no great merit, because the most valuable particulars of our information are drawn from his own works. I shall therefore, lay before my reader, a naked detail of what I learn or conjecture.

To me it is extremely probable, that more orators in Rome than one, were called Quinctilian: Some modern writers, upon the credit of St. Jerom and Ausonius, and other doubtful authorities, seem to take it for granted, that Quinctilian was a Spaniard, and born in the town Calahorra, from whence he was brought to Rome by Galba, about the year of Christ 69. But all this, I think, is either a mistake, or must be meant of some other Quinctilian than our author. My reasons are as follow: Quinctilian again and again tells us, that when he was very young, he had heard the great orator Domitius Afer plead; now, there is nothing more certain than it is from Tacitus, that this Domitius Afer died ten years before Galba came from Spain to Rome, viz. in the year of Christ 59. Mr. Dodwell, who wrote the annals of our Author, is of opinion, that he practised at the bar for some time in Spain; because, says he, he mentions several things that happened at Rome in his youth, but does not speak of any incident there for eight years after. This argument, I think, is extremely inconclusive, nor is the fact unquestionable, because he mentions, both in general and particular, a great many characters and incidents that happened at Rome, through several parts of his life, and why may we not suppose that some of them fell out in those eight years

which Mr. Dodwell cannot account for? I shall beg leave, however, to make one observation, because I think it has not been made before. When our author mentions Domitius Afer in the 7th Chapter of his Vth book, he calls himself an adolescentulus, a very young man, and speaks of the other as being a teacher of eloquence, and a man in the full practice of his business, and exercise of his reason. In the 1st chapter of his Xth book, he mentions himself, not as being an adolescentulus, but as a full judge of Afer's manner and merit at the bar. In his last chapter he speaks of the same Domitius, as having outlived his abilities, because he was *valde senex*, very old. Now, as those three periods of Afer's life must fall within the year of Christ 59, I am strongly inclined to think, that our author was born before the year of Christ 37, which is two years sooner than any writer has yet fixed his birth, excepting the Abbe Gedoyn, who makes him, at the time of Afer's death, about 22 years of age. But supposing that to be the case, he had but six years in which he could judge of Afer as an excellent teacher, an accomplished orator, and a drivelling old man; this, I think, is too short a time; and therefore, I should be inclinable to set the time of our author's birth, at least two years farther back.

Be that as it will, all probabilities are against his being a Spaniard by birth. The above observation entirely disarranges Mr. Dodwell's whole chronology of our author's life, and indeed it is not easy to conceive how so learned

a man

a man could be so inaccurate as he is on this head. For, after a great profusion of learning upon the words *puer*, *adolescens*, *juvenis*, and the like, he says, " that as Domitius Afer died in the year of Christ 42, he had gained a great point, for that proves, says he, that Quinctilian could not have been born before the year of Christ 43, nor after the year 1745; for, continues he, if he had been born before the year 42, he must at least have been 17 years of age, and therefore could not have termed himself an adolescentulus, a very young man, when Afer died." But it unfortunately happens, that he is so far from calling himself an adolescentulus at that time, that he does not mention a single word of his own time of life. But the reader may consult the passage.

Before I leave this subject, however, I must take notice of another, and a still more egregious mistake of Mr. Dodwell; for he supposes that when Domitius died, our author was at his school; and that Afer was at that time a teacher of rhetoric; than all which nothing can be more contrary to our author's express words, who mentions Afer as a pleader at the bar, *cum egisset*, (a term that is never applied but to pleading at the bar, and very different from declamation) and by his doatings giving his opponents opportunities to laugh at him. Add to this, that Tacitus mentions Afer as a pleader at the bar, and the prosecutor of Claudia Pulchra. I shall not detain my reader longer upon this speculation, only I must observe that our author mentions his father, as being

being a Roman, and that if he himself was a Spaniard, it is very extraordinary, he should be so ignorant of his own tongue, as not to be certain of the meaning of the word gurdus,* though he owns it is Spanish. There is, likewise, somewhat pretty unaccountable, if Quinctilian was a native of Spain, that Martial, who undoubtedly was so, in the epigrams he addressed to him, should not claim him as his countryman. Instead of that he says,

GLORIA ROMANÆ, QUINCTILIANE, TOGÆ.

But the strongest argument for our author being a Roman by birth, may, I think, be drawn from his own writings, in which he always mentions himself as a Roman, and discovers such a knowledge of the laws and constitutions of Rome, that we can scarcely doubt of his being a native of Italy; not to mention his Latin style, in which perhaps, he never was outdone in the concise manner. The old author of his life, too, prefixed to his works, expressly says, that he was born at Rome.

Our author was an illustrious example, that great merit and great parts can ennoble any profession. Nothing could be more despicable, when he first appeared upon the stage of life, in the eyes of men of sense, than the profession of rhetoric, yet he brought it to such dignity, as to keep himself sacred even from the rage of Juvenal. That great satyrist mentions him several times, but still as if the name of Quinctilian was but another term for

* This passage is not translated, because it relates entirely to the Latin idiom.

learning and eloquence. In his sixth satyr, speaking of the inordinate affections of women, he says,

—— *Hispulla tragœdo*
Gaudet: an expectus ut Quintilianus ametur?
" If fair Hispulla loves a player's face,
She must dislike Quinctilian's manly grace."

In the same satyr he distinguishes our author as the great standard of speaking.

Sed jacet in servi complexibus, aut equitis: dic,
Dic aliquem, sodes, dic, Quinctiliane, colorem.
" Caught in a slave's embrace—can such a wrong
Be colour'd o'er e'en by Quinctilian's tongue?"

In his seventh satyr, when he speaks of the mad extravagancy of the age, he says,

Hos inter sumptus sestertia Quinctiliano
Ut multum, duo sufficient: res nulla minoris
Constabit patri, quam filius, unde igitur tot
Quinctilianus habet saltus? Exemplo novorum
Fatorum transi Felix & pulcer & acer,
Felix, & sapiens, & nobilis, & generosus
Appositam nigræ Lunam subtexit alutæ
Felix, orator quoque maximus, & jaculator:
Et si perfixit, cantat bene, distat enim, quæ
Sidera te excipiant modo primos incipientem
Edere vagitus, & adhuc a matre rubentem.
Si fortuna volet, fies de rhetore consul,
Si volet hæc eadem, fies de consule rhetor.
" Quinctilian's fee, perhaps, is eighteen-pence,
So cheap the purchase is of wit and sense.
Whence did Quinctilian then become so great?
Such fees could never raise his vast estate.
Where one succeeds, scores perish by the way.
Is great Quinctilian handsome, wise, and gay?
High in his fame, and happy in his race;
His habit if the consul's badges grace;
If quick in wit, in learning, if profound,
If ev'n his hoarseness, charms us with its sound,
Know, that the difference in his planet lies;
'Tis that which made him noble, rich, and wise:

'Tis

'Tis that which marks the future infant's fate,
And brings a rhetor to command the state:
Or should it shine with aspect more severe,
Can turn a consul's to a rhetor's chair."

Juvenal was not an author who spared what he could or durst attack. Had not the merit of Quinctilian, who I do not remember to have once mentioned him in his works, been greatly superior to his rage, he must have felt it.

Upon the whole, therefore, it seems to be certain, that our author not only enjoyed a high pitch of reputation, but had a great estate at Rome. It is true, a letter is extant in Pliny's epistles, directed to one Quinctilian, in which Pliny offers to Quinctilian a pecuniary present in order to encrease his daughter's fortune; because, adds Pliny, though your spirit is very great, your estate is but moderate. But, I think it is pretty plain that the Quinctilian here mentioned (if the name is not mistaken) must have been another Quinctilian than our author. For in the celebrated introduction to the sixth book of his Institutions, he speaks of himself as being quite childless; and, after bitterly bewailing the death of his two sons, he say, "that the fruits of his brain, as well as the acquisitions of his fortune, must go to those who are aliens to his blood." This is a way of speaking we cannot suppose he would have used, if he had had a daughter to inherit his fortune. But, besides this, I do not find reason for supposing any great intimacy to have subsisted between the younger Pliny and our author, who makes pretty free with his judgment; not to mention that Pliny had a friend

friend called Quintianus, whom he speaks of as being a man of great merit.

Ausonius, in his panegyric, tells us, that Quinctilian received the consular ornaments by means of Clemens, who was married to a near relation, if not a sister of Domitian. It is probable that the sons of this marriage were the young persons whom Domitian put under his care to be instructed in eloquence, and whom he several times mentions.

Those illustrious distinctions were uncommon to persons of Quinctilian's profession as a rhetoric-master. But he knew how to support them with a dignity and abilities that did honour to the Roman government. Though he had more knowledge, and more exactitude in his profession, than perhaps any man ever possessed, and though he inculcates the simplest, and even the most mechanical points of his art, with as much earnestness as the most important, yet no writer was ever less of a pedant. He makes an excellence in even his favourite art, to be only subservient to virtue; and he again and again declares, that the pains he takes are not to form a mere orator, but an honest statesman and a worthy patriot. In this he seems to have drawn his own picture; and in several parts of the following work, he is at no pains to conceal the satisfaction he has from the united favour of prince, nobles, and people.

As he prefers virtue to abilities, so he postpones instruction to genius. He every where declares, that, without genius, no man ought to apply to eloquence; and that, to such a man,

man, instruction is no other than plowing the sand. This is a language unknown to pedants, who think their instruction can form genius, but Quinctilian pretends only to assist it. His modesty, in this respect, is the more extraordinary as he seems to have devoted the whole of his time and thoughts to eloquence; and mankind is but too apt to be fond to enthusiasm of what they study with intenseness. Quinctilian speaks of his art with all the ease, freedom, and politeness of a gentleman, and gives a judicious proof of the vast value he has for it, by dissuading all, who have not genius, from attempting it.

This noble frankness, this amiable disinterestedness forms a character, that is, perhaps, less eminent even in his great master Cicero. But I am not yet arrived at that part of this preface in which I intend to give some strictures of a comparison between those two unrivalled fathers of eloquence. It is sufficient to observe here, that Quinctilian had every advantage that could raise him above mercenary, little considerations. We are told his salary was paid out of the public treasury, which kept him above a mean dependance upon the parents of his pupils for subsistence. His friends, whom the reader will often find mentioned and characterised in the course of the following work, were of the highest rank and distinction as well as learning. He was not more celebrated as a professor than a pleader; we find him employed by a royal client, the fair Berenice, the same probably with whom the Emperor Titus was enamoured; and he transiently

siently mentions his success upon other occasions of great importance at the bar.

But the Consul Clemens seems to have been the great friend and patron of our author. The Emperor Domitian had two favorites of that name, and some writers (Mons. Rollin amongst the rest) are fond of supposing that our author's friend was Clemens the christian consul, and the same who is mentioned by St. Paul. It might be so; yet I see no reason why our author's memory should be so zealously attacked for his obstinacy in holding out against the christian faith, when he had so fair an opportunity of being initiated in it. For this charge says too much or too little. Why is Quinctilian more blameable in that respect than the Emperors Trajan, both the Antonini, and many other great men of that age, who do honour to the human race? Besides, it is not to be dissembled that, early as that æra of the christian religion was, some sects amongst the christians professed and practised doctrines as absurd as those of the Egyptians themselves; and we know not what prepossessions our author might have been under on that account. I have however, in the following notes, defended my author against this charge, which I think to be groundless, as well as from that of his mean adulation of the Emperor Domitian.

It is thought that the consular and patrician honours he was invested with, were conferred upon him by the Emperor Hadrian, whose rhetoric-master he was. But I think it more natural to suppose that he was indebted for them

them to Flavius Clemens in Domitian's time. He certainly finished his Institutions under Domitian, and he there speaks of himself as being in possession of great honours, as well as of high reputation; and as having retired from all business but that of instructing young gentlemen, not as a professor or master, but as a friend and patron. As to his marrying a second wife, that opinion is, I believe, groundless, and only encouraged by the beforementioned letter of Pliny. He did not begin to write his Institutes till after he had finished all his practice both as a professor and a pleader; for the charge of educating Domitian's relations was conferred upon him as a mark of distinction, and in the nature of a civil employment. We know nothing about the time of his death; but I am inclined with Mr. Dodwell, to believe, that he was alive under Hadrian, and that he did not die before the year of Christ 116.

Such is the lame account we are able to give with any colour of certainty, of our great author, nor indeed, has the course of life he chose left us much room to hope for greater information. We know not what became of his two imperial pupils, whom Domitian once designed for his successors; perhaps they were sacrificed, as their father was, to that emperor's jealousy, a few months before his death. Be that as it will, there is great probability, that Quinctilian died full of years, riches, and honours. It does not appear that he ever was actually consul; but he certainly was dignified with consular and patrician ornaments;

naments; and that he is not memorable for any share he had in the government, may be both owing to the condition of the times; and the fondness of the public for having him employed only in his favorite profession.

Besides the following work, a number of declamations have been published under our author's name; but, as in their execution, they contradict every precept laid down by him, we are therefore to believe them to be spurious, and either the work of another Quinctilian, or palmed upon the world as his. But he certainly wrote a treatise upon the causes of the corruption of eloquence which has not come to our hands.

I have, in the notes, given the reasons why the following work is so much mutilated in the original, that many passages are not intelligible. But enough remains to convince us, that it is the most elaborate, the most judicious, and the highest finished of any work antiquity has left us. There is not in the circle of the fine arts, one that our author has not improved and illustrated by his observations. There is a ground-work of good sense that runs through his whole work, and which, he shews, is applicable to every art, in the same manner, as to eloquence. He proves this to be the source of whatever we call good taste; and that it is, in fact, the organ by which nature operates. When we compare his observations upon painting and statuary with the improvements made upon both, since the revival of the arts in Europe, we are tempted to believe that he foresaw, and sought to prevent, their downfal.

He has stated the doctrine of that curvilinearity, which is so essential to gracefulness and beauty, and has elegantly shewn how it prevails in eloquence as much as in drawing. (See vol. I. p. 110, &c.) His observations upon music, poetry, natural prospects, and all kind of beauty, discover equal justice and genius. His great aim is to prove by effects, as well as precepts, that every deviation from nature is a deviation from good sense, and that without good sense, that thing which we call taste is but a glare of affectation, pride, and singularity; that decoys a weak mind into the pursuit of gross absurdities.

But Quinctilian, by his example, ennobles every precept; for his sense is no more than a comment upon his style. When he resumes, recapitulates, enforces, exhorts, and encourages, we are bewildered before we are aware in the most enchanting scenes of nature. He gives at once such delight and conviction, and his manner is so truly original, that the most ordinary things become graceful under his touch, and the most difficult pleasing by his art.

Having said thus much, I am now to make one observation, which perhaps may surprise those who are not perfectly well acquainted with the works of Cicero and Quinctilian, which is, that the latter endeavours in his style and manner to be as unlike as he can to those of Cicero, and yet, perhaps, the greatest judge dare not venture to pronounce on whose side the advantage lies.

Cicero, in his works upon eloquence, particularly his conferences upon the character of an

an orator, strikes by his air, freedom, and dignity; Quinctilian wins by his beauty, regularity, and address. Quinctilian is less splendid but more elegant, he is less commanding but more attractive; if Cicero is instructive, Quinctilian to instruction adds affability; and if he is inferior in genius to Cicero, he is equal to him in abilities, and superior in experience; I mean that experience that can be of the greatest service to a public speaker in England.

The style of Cicero is clear, diffuse, and pathetic; that of Quinctilian strong, concise, and expressive. If Cicero is more excellent in the disposition, Quinctilian is most exquisite in the execution. Cicero's abilities were undoubtedly best fitted to guide the movements of government, those of Quinctilian to determine a contest at the bar: Cicero was more decisive in debate, but Quinctilian more useful in pleading; the former could raise a spirit, but the latter could direct it.

Quinctilian never was excelled in majesty but by Cicero, and Cicero never equalled in gracefulness but by Quinctilian. We are ashamed to differ with the one, we cannot resist the other. Both know how to rise with temper and to fall with dignity. Though both had great natural, yet Quinctilian had more accidental, advantages; but though Quinctilian's work is more useful to an Englishman, yet, had he lived in the days of the Roman republic, the pre-eminence would have been clearly on Cicero's side.

Quinctilian had vast advantages that Cicero had not. He had the acquisitions of a hundred

years after Cicero's death, to improve his knowledge; he had leisure, fortune, and public favour, upon his side; and Cicero was often without them all. Quinctilian's days were enriched by the works of a Virgil, a Horace, a Livy, and much greater writers than Cicero had ever seen in the Latin language. The Romans, when Quinctilian lived, had acquired a much finer taste in painting than they, in general, had in the days of Cicero; and Quinctilian had much greater opportunities than Cicero ever had to study (that I may use Cicero's own words in his pleading for Archias) that intellectual relation, that secret charm in the liberal professions, which, connecting one to the other, combines them all.

Here Quinctilian excels, not only all writers who have lived before him, but all who have appeared since. From poetry he furnishes his orator with ornament, and from drawing with gracefulness. He brings every elegance of life to his assistance; he directs him how to take advantage of the swelling note and the flowing robe; while the varied landskip, the fruitful as well as the flowery field; the purling as well as the rapid stream, become subservient to his purpose; and he finds characters of true and false beauty, in almost every work of art or nature.

But is this all-accomplished master faultless? Has he no weak side upon which he may be attacked? I do not pretend that he is faultless, but his faults are the faults of care, of concern, and of anxiety, lest his pupil should not be furnished with a superabundancy of whatever

whatever can contribute to his improvement. But, even in this respect, we must be sparing of our censure. It required a much greater compass of learning and accomplishments to form a Roman orator than an English pleader; and the Latin Language is far more critically severe than the English. We are not, therefore, hastily to pronounce, that he fell into that fault which he blames in others. He might find that necessary which we think superfluous; and even, at this day, were a modern professor to undertake to form what Cicero was, and Quinctilian wished for, I mean an accomplished orator, he might, perhaps, require all the minutenesses which Quinctilian recommends, and find them all too few for his purpose. Who can venture to pronounce, that a want of attention to those minutenesses is not the chief reason, why we never yet have seen an orator that can rival Cicero, or a critic that can equal Quinctilian?

When I mention Quinctilian as the greatest critic ever wrote, the reader will, perhaps, be surprised when I say, that I think he has sometimes inaccuracies in his style, which he himself would not have indulged in a pupil. I should bring down his own indignation upon me, did I pretend to apologise for this neglect, by saying, that a great master is not bound over to the mechanical niceties of language; for he tells us again and again, there is no consideration of language that ought not to claim an orator's attention. A much better apology may be offered, from the miserable state in which his writings were found, about the time learning

began to revive in Europe, Poggius, an
ient Italian author, discovered the manu-
t of the original I now offer to the
ic, lying, like learning itself, oppressed
loads of monkish ignorance, at the bottom
tower in the Abby of St. Gall, and by an
st fraud he procured it to be transcribed,
in the year 1468, it was printed at Rome;
ral manuscripts were afterwards produced,
many editions printed, but all of them,
r from the manuscript of Poggius, or if pos-
more mutilated and depraved. And thus
author is *laniatus corpore toto*.--- The
on is plain. After Quinctilian's death,
y ignorant professor of rhetoric, read such
s of our author's Institutes, and altered
n, as best suited his fancy; and they were
scribed by his scholars, as Quinctilian tells
ey were in his own life-time, with haste
accuracy, till the true readings, in thou-
s of places, became quite irrecoverable.
to this, that during the dark ages, the elo-
ce recommended by Quinctilian was so
rom being in vogue, that it could find no
ission either into schools, courts, or senates.
he above considerations ought partly,
gh I will not say, wholly, to acquit our au-
from the charge of certain incorrectnesses
are too palpable in his style. Every manu-
t and every edition of him varies from ano-

So that it is fairly to be presumed, his
s, in this respect, are to be less imputed to
than to his transcribers and editors; es-
lly, if we consider how wonderfully accu-
rate

rate and exact he is, in all the passages that are indisputedly as they came from his pen.

I must not, however, dissemble that his extreme attachment to conciseness, and his vast success in that happiness of diction, which, perhaps, is peculiar to himself, might greatly contribute to the difficulty of recovering his original text. When a style, like that of Cicero's orations, is diffused and flowing, there is great room for conjecture in matters of obscurity, and we have often seen sagacity do wonders in such cases. But this is next to impracticable, when words and phrases are so happily chosen, that the same identical expressions must be restored, otherwise we cannot make sense of the period.

I shall add but one general observation with regard to my author. He is at present a great name in learning; but his highest merits are generally the least understood. He is little considered in any other light, than that of a judicious, experienced, teacher of rhetoric. Many of his precepts therefore have been quoted by eminent writers. But they are quoted as precepts only. We do not, in them, see the great genius, though we may the able critic; we are unacquainted with the man of virtue, though we discern the profound scholar; we see how he can dictate, but we know not how he can execute; and while we attend the able professor, we lose sight of the fine gentleman, the great writer, the polite friend, and the candid judge of men, arts, and manners.

I should ill discharge what may be expected

of

of me in this preface, did I not say, that our author is more obliged to the Abbé Gedoyn, his French translator, than to the whole herd of his commentators and editors. He is generally equal to his meaning, though seldom to his spirit, and never to his eloquence. But the French language is chiefly in fault. There can be no conciseness without copiousness, and the genius of a language is like the season of the year, for the more plentiful its crops are, the stronger, the more nutritive, and the more exalted are its fruits.

Burman, a Dutch professor, has published an edition of our author, overloaded with notes, which prove, that he had not the merit even of an accomplished pedant. Unsagacious in his conjectures, and unhappy in his amendments when our author's meaning is clear. Burman generally is diffusive: when difficult doubtful, and when desperate silent. Monsieur Rollin has manifestly adapted our author to the purposes of sacred oratory; but though he has curtailed I think too great a part of him, yet he treats him with great respect, and has very judiciously thrown in some notes of his own, and some from Adrian Turnebus, that are more instructive than all Burman's dull commentaries. Many other learned men have laboured upon our author, but some of them with no great success; and it would be tedious, were I to particularize the others, who are now and then happy in their conjectures.

I now beg leave to add something with regard to my own performance. When I had translated (as I hinted in the beginning of this

preface) Cicero's Conferences upon the Character and Qualifications of an Orator, I was extremely sensible that they could not be adapted to every species of public speaking in England. But Quinctilian can. He is equally fitted for the senate, the pulpit, the bar, public assemblies, and private debates. Even the player as well as the orator, will here find every thing that can give justness to his elocution, and gracefulness to his action. His precepts are not confined, as Cicero's are, to a single climate or profession, but are founded upon universal principles, that must have their effects in all ages, and in all languages. They are as well calculated for Westminster-hall as for the Roman forum; and are as improving in common conversation as in public speaking.

Such were my motives for attempting and executing this difficult undertaking. As to farther particulars that regard my translation, I refer my reader to the notes, where he will find my reason for some liberties I have taken, and many passages which I have translated differently from the sense in which they have hitherto been received.

W. GUTHRIE.

Nov. 1, 1755.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

INTRODUCTION,

CONTAINING A GENERAL PLAN OF THE WORK.

TO MARCELLUS VICTOR.

AFTER obtaining respite from the application, which, for twenty years, I had bestowed in educating young gentlemen, I own, that, for a long time, I declined to comply with the demand, which certain friends made upon me, that I should draw up somewhat concerning the art of public speaking; because I well knew, that many authors, of the greatest eminence in both languages,* had transmitted to posterity most accurate compositions upon this subject. But the very reason which I urged, in order to be excused the more readily, made them the more eager in insisting: "Because," said they, "amidst the various and sometimes contradictory opinions of former authors, it is difficult to make a right choice." So that it was no unreasonable request, if I did not strike out a new system of my own, that I should take the trouble to lay down some rules for judging upon former ones. But though I was not prevailed

* Viz. Greek and Latin.

of eloquence. If we very often have occasion to treat of justice, fortitude, temperance, and the like virtues (for some matter arises from them in almost every subject that occurs), are we to doubt that an orator makes the principal figure, wherever the force of genius and the force of eloquence is required? These accomplishments (as Cicero has evidently proved), as they are linked together by man's nature, are connected by his duty; and the wise were looked upon as the same with the eloquent. This accomplishment split in process of time, and it happened that indolence adopted the difference. For when the tongue came to be hired out, and the practice of eloquence perverted the use of the best things, then they who were orators by profession, abandoned the study of virtue; which thereby became the province of meaner capacities. Afterwards, some, despising the traffic of eloquence, returned to form the morals, and to regulate the lives of mankind; and thereby adopted the better part; if the study admits of a division. They, however, assumed to themselves a most insolent appellation, for they affected to be called sole professors of wisdom: an appellation which neither the greatest princes, the most consummate politicians, nor the ablest statesmen ever presumed to appropriate to themselves: because such always chose to display their excellencies by their actions, rather than their professions. I readily admit, that many of the old professors of wisdom taught the study of virtue, and practised what they taught; but in our days the persons who went under * that appellation were generally men of the most

* That appellation] This passage seems to be intended as a compliment to the Emperor Domitian and the Roman Senate, under whom our author lived, and who about this time expelled all the philosophers from Rome.

abandoned

abandoned principles. For they did not by virtue and study aim at the character of philosophers, but they cloaked the vilest immoralities under grimace of countenance, a sourness of behaviour, and a singularity of dress. But we now indiscriminately handle those subjects, which those philosophers had appropriated to themselves. For where, at present, is the man, be he ever so vitious, who does not talk of justice, equity, and virtue? Where can you find a clown, who does not enter into disquisitions concerning natural causes? For eloquence and propriety of words ought to be the common concern of all who pretend to the purity of speech. But the orator knows all those matters, and can express them to the greatest advantage; and where an orator happens to be accomplished, there is no occasion to apply for moral precepts to the schools of philosophers. At present, we are under a necessity of sometimes having recourse to those authors who seized upon the abandoned, but the preferable part of the oratorial art, and to claim it as our own property; not that we are to make use of what they have invented, but that we may make them sensible they have usurped a profession which belonged to others.

Let an orator be such a man as we may term truly wise; not only accomplished in his manners (for I am of a different opinion from those who think that that is sufficient) but in knowledge, and the practice of speaking, beyond what perhaps any man ever was. But this is no reason why we should relax in aiming at perfection. It was the practice with most of the * ancients to lay down maxims of wisdom, though they did not admit that any man was perfectly wise. For there is certainly such a thing as perfection in eloquence, and there is no-

* Ancients] This is to be understood chiefly of the Stoics.

thing

thing in human nature, that forbids our attaining it. But even though it should not be attained, yet still they who aspire to the summit, will go higher than they who, preposterously despairing of succeeding in their aim, loiter about the bottom.

It is therefore the more pardonable in me, if I do not omit considerations which, however minute in themselves, yet are indispensable in the work I propose. My first book shall treat of matters which precede the profession of eloquence; the second will contain the first elements of rhetoric, and all the requisites of that art. The five following are appropriated to invention, and to that is added method; and the four next treat of elocution, under which head is comprised memory and pronunciation. One book is added, upon the character of an orator, in which, to the best of my poor abilities, I shall treat of his morals, of his practice, and undertaking, studying and managing causes; upon the nature of eloquence, upon the purposes of pleading, and concerning his studies after these are accomplished.

With all those points I shall intermix, as occasion offers, the practice of speaking, for the instruction not only of those who study the principles to which some have appropriated the name of this art, and who study rhetoric as they study law, but likewise for the improving and increasing the powers of eloquence. For dry treatises generally break down and mince whatever is noble in eloquence, by an over-affectation of delicacy, and, thereby draining it of all its generous spirit, bare it to the very bones, which ought to be cloathed with flesh and blood, as well as knit and compacted with nerves and sinews. Therefore I have not (as is generally done) comprised in those twelve books the dry precepts alone of this art, but I have compendiously pointed out

out every thing that I conceived to be of service in the education of a public speaker; for had I enlarged, as much as I could, upon every point, there would have been no end of my work.

One thing, however, I must premise; that, without the assistance of natural capacity, rules and precepts are of no efficacy. Therefore, this treatise is no more intended for those who are defective in point of genius, than a treatise upon the improvement of lands is applicable to barren grounds. Besides, nature throws in other aids, voice, the strength of lungs, health, resolution, comeliness; all which are improveable by art, if nature contributes to them but a little: though they are sometimes so defective, that they spoil even what is valuable in genius, and in application. Nay, this work will of itself be of very little service without a skilful tutor, obstinate application, with great and continual practice in writing, reading, and speaking.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK I.

CHAP. I.

CONCERNING THE EDUCATION OF THE FUTURE ORATOR.

That Nature generally is not so much wanting as Care.—Of the Qualities required in Nurses, Parents, Play-fellows, and Tutors.—That a Boy ought to begin with the Study of Greek.—That he is capable of Improvement before he is Seven Years of Age; but that he ought not to be over-studied at that Age.—Our Author's Apology for treating of such minute Subjects.—Concerning Reading and Writing.

A FATHER, the moment he becomes so, ought to entertain the greatest hopes of his son; he will therefore the more early watch over his improvement. For it is a mistaken complaint, that very few people are naturally endowed with quick apprehension; and that most persons lose the fruits of all their application and study, through a natural defect of understanding. The case is the very reverse, because we find mankind in general to be quick in apprehension, and susceptible of instruction. This is the characteristic of the human race; and as birds are provided by nature with a propensity to fly, horses to run, and wild beasts to be savage; so the working and the sagacity of the brain is peculiar to man;

man; and hence it is, that his mind is supposed to be of divine original. Now, the dull and the indocile are in no other sense the productions of nature, than are monstrous shapes, and extraordinary objects, which are very rare. To prove this, we have known many boys, who had the most promising appearances, all which vanished as they grew up: a plain evidence it was not their nature, but care, that was deficient. I readily admit, that the capacity of one man may be better than that of another; some make great, others less, proficiency; but, we never knew a man whom study did not somewhat improve. Whoever is sensible of this, as soon as he becomes a father, ought to employ the most diligent attention to the education of the future orator.

First of all, nurses ought to be free from all impediment, and impropriety, of speech. Chrysippus wished every nurse to be a woman of sense; but in all events he was of opinion the best that could be had should be pitched upon, according to the circumstances of the parties. It is true, their morals ought to be the first consideration, but it is requisite that they should speak with propriety. Their speech is the first the child hears, and he lisps out an imitation of their words. By nature, we are very tenacious of what we imbibe in the dawn of life, in the same manner as new vessels retain the flavour, which they first drink in. There is no recovering wool to its native whiteness after it is dyed. Now, the more vitious a habit is, the closer it will stick; for good habits are easily changed into bad ones: but where did you ever know a vitious habit become a good one? Even a child, therefore, ought to be used to nothing in his infancy, which he must afterwards be at pains to unlearn.

As to parents, I would, by all means, have them persons of learning. I do not speak this of fathers only,

who lived before Aristophanes the grammarian, the first who denied the book* of rules where that passage is found, to belong to Hesiod. But other authors, particularly Eratosthenes, were of the same opinion. They however, who, with Crysippus, think that every moment of time ought to be employed, are more defensible in their opinion: for though he allowed the child to be for three years in the nurse's hands, yet he thought that at that age the mind is susceptible of excellent instruction, even from women. For why should we imagine the mind to be incapable of letters, and yet capable of manners? At the same time, I am sensible, that during all the time I speak of, the child can scarcely make such proficiency, as he will make for one year afterwards. And yet I think that they, who are most of that opinion, seem, in this respect, to be more tender of the tutor than of the pupil. How can the time be better employed from the moment the child begins to talk? For it is certain that he must be employed in somewhat. Or why are we to despise the purchase, be it ever so little, that is to be made before the seventh year? And, indeed, inconsiderable as the progress is, that a child can make at that age, yet still he will be capable of greater improvements, because during the preceding time he has improved a little. This improvement, continued for years, becomes considerable in the whole; and every hour saved in infancy is so much acquired to youth. The same rule ought to be observed as to the following years, that, when a boy has a thing to learn, he may not be too late in beginning to study it. Let us not, therefore, lose even the most early hours of life, and the rather, because the rudiments of knowledge are acquired by memory only, which we possess in our earliest days, nay, it is then very tenacious.

* Book of Rules. Orig. Τεχνων.

I am

I am not, however, so disregardful of that time of life, as to enjoin it to be treated with downright severity, or require from it a full task. For we ought to be extremely careful, that a boy does not conceive an aversion for learning before he can have a love for it, and that he does not preserve, in advanced life, a dislike for what once gave him pain. Let his study be made his diversion; let him be soothed and caressed into it; and let him sometimes value himself upon his proficiency. Sometimes mortify him by instructing some other boy whom he is jealous of; then let them challenge, and give your pupil leave to imagine that he generally comes off conqueror: let him even be encouraged by giving him the rewards that are most taking with that age.

These are minute considerations, as I undertake the education of an orator. But we are to consider that even studies have their infancy; and as men even of the most robust constitutions have in their infancy been fed with milk and rocked in a cradle; so there was a time when the voice of the most eloquent orator was an inarticulate sound; when it indistinctly lisped out his meaning, and when he was puzzled even about the letters of the alphabet. Neither are we to imagine, that because a thing is too hard to be studied, it is therefore unnecessary. Now if nobody takes it amiss, when a father thinks that those particulars are not to be neglected in the education of his son; why is a man to be blamed for publishing to the world what he conceives to be proper for a domestic education? And the rather, because easy instruction is best suited to young minds; and as there are certain movements of the limbs to which our bodies can only be formed when they are tender, so even strength itself renders our minds less susceptible of most studies. Would Philip

King

King of Macedon have ordered his son Alexander to have been instructed in the first rudiments of learning by Aristotle, the greatest philosopher of that age, or would Aristotle have undertaken that office, unless he had believed it to be highly necessary for the mind to receive its earliest instruction from the most accomplished master? Supposing therefore that an Alexander is to receive the milk of his learning from me, shall I be ashamed to instruct a pupil of so much consequence (and every man's son ought to be of the same consequence to him), even in the most compendious methods of learning, while I am teaching him the first rudiments of letters?

And indeed, for my own part, I am dissatisfied with the general method of instruction, by making young children learn the names and relations of letters before they have learned the shapes of them. This practice prevents their understanding them, because, they do not apply their mind to study the forms of the letters, while they repeat them by rote from their memory. This is a good reason why teachers, even after children are thoroughly instructed in the letters, as they usually follow one another, should disorder and change them, and alter their places, till such time as the scholars should know them by their shape, and not by their order of standing. They will then know letters as we know men, both by their appearance and their names. But that practice which is inconvenient in learning of their letters, will not be so with regard to syllables.

Meanwhile I am far from excluding the common method of entering children into learning by giving them the forms of the characters, cut out in ivory, to play with; nor any other invention that can be thought of more taking with that time of life; nor any thing they can take a pleasure in handling, or looking at, or expressing.

But

But when the child now begins to trace the forms of letters, it is proper to have them very elegantly carved out upon a board, in order that he may run his pen over them as through so many grooves. For the extremities of the board being guarded with ledges will not suffer him, as upon a smooth surface, to write irregular or out of compass, and the more frequently and quickly he follows fixed delineations, the sooner he will form his hand; without standing in need of another person's hand to direct his in shaping the letters. Men of quality are in the wrong to undervalue, as they often do, the practice of a fair and quick hand in writing; for it is no immaterial accomplishment. As, therefore, an elegant hand of writing is a main requisite of study, it becomes a real accomplishment, and, as it should be deeply rooted, let it be acquired at the most early time of life: when it is slow, it stops the quickness of thought; when rude and confused, it is void of meaning; and those inconveniences beget another trouble in order to remedy them, I mean, that of inditing. Therefore, as it will at all times and upon all occasions, especially in our private and intimate correspondences, give us pleasure, let this accomplishment be, by no means, neglected.

There is no epitomising the study of syllables; all of them ought to be expressed, without, as often is the case, putting off the most difficult, which makes youths at a loss in every thing they write. We ought by no means to be over hasty in trusting to a young memory; it is more improving to repeat a thing, and inculcate it on the understanding: and in reading we are not to hurry on without stay or stop; unless when an intire and clear connexion of letters can be supplied without, at least, any interruption from being obliged to recollect. Let the pupil then begin to form syllables into words, and words into

periods. The prejudice that hurry does to reading is inconceivable. It gives rise to doubts, stammering, and repetitions, in those who attempt more than they can compass; and when they once are out, they are diffident even of the things they are masters of. Let the pupil therefore begin with reading syllables, then let him join them into words and sentences, but let him be all the while slow and sure, until, by practice, he arrives at a correct quickness. For the general method that always is recommended, that of catching, with the eye, what goes before in the same line, so as to provide the proper pronunciation, is not to be acquired by rules only, but by practice; because the reader must pronounce the foregoing part while he is eyeing what follows, and the purpose of his mind must be divided by employing his voice one way, and his eyes another, which is a matter of the greatest difficulty.

When a boy, that I may pursue this minute detail, begins, as is the general custom, to write down the names of things, it is proper to guard him against losing his labour upon common and ordinary words. For it is possible for him while he is on another pursuit, to learn the meaning of phrases and technical terms, which the Greeks call γλωσσαι, and even in his earliest studies to gain a piece of knowledge, for which part of his time, if he does not before acquire it, must be afterwards set apart. And as hitherto we have dwelt upon trifling matters; even the copies set him for the improvement of his hand-writing ought not to be an unmeaning set of words, but to convey some beautiful sentiment; the remembrance of which will stick to him, when he is old; and when stampt upon his tender mind, the impression will even improve his morals. There is likewise room, even while he is following his diversions, for instructing him in the sayings of illustri-

ous

ous persons, and teaching him some beautiful passages, especially from the poets, who are generally favourites with young persons. Now, as I shall prove in its proper place, memory being an indispensable property in an orator, it is chiefly strengthened and nourished by practice; and the age, of which I am now treating, being incapable of striking out any thing of itself, it is almost the only faculty that can then be improved by the care of the teachers. When a young gentleman is come to the age in which his pronunciation is more full, and his articulation more distinct, it will not be amiss for him to repeat over with rapidity certain words and lines of a studied harshness, and chained together by grating sounds and jarring syllables, so as to make one roughness of the whole. Such lines were by the Greeks termed τραχεῖαι. This appears to be an inconsiderable injunction, but when it is omitted, a great many faults of expression become afterwards incurable by habit, because they are not rooted out in the early time of life.

CHAP. II.

AN INQUIRY WHETHER A DOMESTIC, OR A PUBLIC EDUCATION IS MOST PROPER FOR A YOUNG GENTLEMAN.

A Refutation of the Objections urged against a public Education and Schools,—That it is not detrimental to Morals.—A severe Invective against the ruinous Fondness of some Parents for their Children.—That Public Schools are far from hindering a Boy's Improvement.—And recommended on many Accounts.

But the young gentleman begins now to grow upon my hands, to leave his go-cart, and to think in earnest about learning. I shall therefore employ this chapter chiefly upon the discussion of the following

lowing question, viz. Whether the confining his studies to his own home, and within the walls of a private house, or entering him into a large school, and putting him, as it were, under the care of a public master, is most conducive to the young gentleman's advantage? The latter method, I perceive, has been followed by those who have regulated the polity of the most illustrious states, as well as by the most eminent authors.

We are not however to dissemble, that the private opinions of some dissent from this, almost general practice of public education; and that chiefly through two reasons. The first is, that the morals of a youth are more safe by his being retired from a crowd of boys, all of them of an age prone to vice; and I wish that there was no foundation for the immoralities that are often charged upon that time of life. Their other reason is, that a master, be he who he will, has more time to bestow upon one boy than he can have when he is to instruct numbers.

As to the first reason, it is a matter of great weight. For were I clear that the public schools, while they advance studies, hurt morals, I should prefer the practice of morality even to the endowments of eloquence. But, in my opinion, they are one and the same thing, and cannot be separated. For I account no one to be an orator, if he is not an honest man; and I should not wish him to be otherwise, were it even possible. Let me therefore canvass this matter first.

Boys, say they, have their morals debauched at public schools. I grant this sometimes to be the case; but they are debauched at home likewise: and I am thoroughly persuaded, that many instances may be brought to prove, that, in either education, the morals have been both debauched and inviolably preserved. The whole difference lies in nature, and

in the care bestowed upon a pupil. Supposing a youth to have a natural propensity to vice; supposing no care to have been taken in forming and in cultivating his morals in the most early time of his life; supposing this, I say, he will find opportunities for practising vice, even in solitude itself. It is possible for his private tutor to be a profligate fellow; and he is as liable to be debauched by keeping company with wicked slaves, as with graceless young gentlemen.

Supposing, on the other hand, his natural disposition to be virtuous; supposing his parents not to be quite slothful, stupid and indifferent about his education; no more is to be done than to chuse for his master, a man of the most irreproachable morals (a matter that is always chief in a sensible parent's thoughts), and then put him upon a regular course of education; without forgetting to place about his person some worthy, discreet friend, or faithful freedman, who, by constantly keeping him company, will over-awe and reform all his companions, who are suspected of lewdness. This apprehension, therefore, is easily guarded against.

Would to Heaven, that we ourselves were not the chief instruments in corrupting the morals of our children! No sooner are they born, than we enervate them by fondness; for that delicacy of education, which we term indulgence, breaks down every power both of body and mind. When the child stammers about in costly robes, what will not the man aspire to? The first words he learns to lisp are his purple, or his crimson cloak; and we pay more attention to his palate than to his pronunciation. Before they leave their go-carts, they grow up to be lads; and never do they put a foot to the ground, but when they are swung and suspended in leading strings by their attendants.

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When they say any thing immodest, we feel sensible pleasure. We kiss and fondle them for expressions that would put even an effeminate Ægyptian out of countenance; and where is the mighty wonder in their being such early proficients in luxury; for all they learn and all they hear is from ourselves? They are witnesses of our lewdest, our most infamous, amours; our dining-rooms ring with obscene songs; and all our entertainments are mixed with indecent objects. This, at first, becomes habit, and habit grows into nature. The poor infants learn those things before they know them to be vices; and thus melting into luxury, and dissolved in effeminacy, they carry into schools their lewdness, instead of catching it there.

But, it may be said, when one man has the charge only of one child, he will have the more time to bestow on his education. In the first place, I know nothing to hinder a young gentleman who is educated at a public school from having a private master. But supposing that both cannot be united, yet I prefer to gloom and solitude, that free and open air, which reigns in the assembly of noble, generous youths. For the more excellent a master is, the more he is pleased with having a numerous auditory; and the better he thinks himself entitled to a crowded house. Meanwhile, masters, who are conscious of poor abilities in themselves, love to fasten upon a single pupil, and will even stoop to all the drudgery of a domestic tutor. But admitting, that through favour, friendship, or money, a parent may procure a man of the greatest learning and virtue to teach his son at home; will such a man spend the whole day in instructing him? If he does, is not the mind, by too intense application to study, as apt to be fatigued as the eye is by being too long fixed upon the one object? Especially when

when we consider, that the young gentleman is to do a great deal by himself. For the master is not to assist him in getting by heart, in writing and in digesting what he is learning; and the company of any person, be who he will, is an interruption to him while he is about those exercises. Besides, every author does not require to be prelected or explained. If that were the case, how could a young gentleman make himself master of such variety of reading? The work there, for a whole day, may be planned out in a very small compass of time; and the lessons, which a master gives out to a few, may reach to many, because they are generally delivered in such a manner, that he can convey them to all his hearers with the same breath. I shall here say nothing concerning the divisions and declamations of the rhetoricians; for it is certain, that let the audience be ever so numerous, yet every one can carry off the whole. For a master's voice is not like an entertainment, where the more numerous the guests are, the more the fare diminishes; but like the sun, which diffuses to all alike, the same degree of light and heat. Thus, when a grammarian prelects upon the art of speaking, if he solves difficulties, if he explains histories, or poems, every one who hears him may profit alike.

But (it may be farther urged), the great number of scholars prevents a master from instructing and inspecting them as he ought. Every thing has its inconveniences; and I shall admit this to be one; but let me, in the mean time, set the advantage against the disadvantage. I am not for sending a boy to a school where he may be neglected. But we cannot suppose, that an able master will encumber himself with a greater crowd of scholars than he can manage; and our first care ought to be to render him, by all means, our intimate friend; so that the pains

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he takes may not be a matter of business, but of affection; and thereby he never shall get into a crowd. A master, let him have but a moderate tincture of learning, will, for his own credit, cherish application and genius wherever he finds them. But supposing that we ought to avoid very great schools (a point I cannot agree to when the numbers are drawn together by the merits of the master), it will not follow, that we are to condemn all public schools. To condemn them all, is one thing; and to chuse the best, is another. Having thus, I apprehend, answered all objections to public schools, I will now give my own sentiments.

In the first place, the future orator, who, we must suppose, is to be in public life, and in all the bustle of business, ought, from his childhood, to be habituated with company, without pining in shades and solitude. The man who languishes in retirement, and rusts, as it were, in obscurity, always requires to be roused and pushed on; or he takes an opposite turn, and swells with vain conceit; for the man who never compares himself with another, naturally over-values himself. When he has occasion to practise what he has studied, he stumbles in broad noon-day; he is startled at every new object; and the reason is that he has studied in private, what he is to practise in public.

I shall but just mention the friendships that are contracted by a public education, and which are cemented with such inviolable affection that they continue in full force even in old age. For nothing is more endearing than for men to have been initiated together in the same sacred mysteries of learning.

How shall the man who separates himself from society, which not only men, but even brutes naturally affect, ever attain to what is called the knowledge of the world?

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eproaches of some, and of rivalling the praises
hers. He will think it disgraceful to yield to
fellow, and glorious to out-do his superior.
hese circumstances are incentives to the mind;
though ambition in itself is a vice, yet it is
the parent of virtues. I remember my mas-
bserved a custom that had its advantages. For
distributed their scholars into forms, and in
ting their lessons, they took place of one ano-
according to the measure of every boy's profi-
y; and thus every one of us had an opportunity
lvancing in proportion to our improvement.
point of precedency was seriously canvassed;
boy fought hard for every place he took;
his ambition was crowned when he became
of his form. But he had more than one
e for this. For if he missed it once, he had,
day month, an opportunity of another chal-
. Thus the head boy never grew remiss through
e; and the others eagerly wished for an op-
nity to retrieve their honour. So far as I can
judge, this method was a sharper spur to our
ation, than were all the lectures of our mas-
he cares of our tutors, or the wishes of our
ts.

they will chuse rather to cling to what is next them, and, like vines twining round trees, by first embracing the lower branches, they will equal the highest. This observation is so true, that the master, who prefers what is serviceable to what is showy, will make it his business, while the mind is yet unformed, not to over-burthen the weakness of the scholar, but to manage his abilities, and accommodate himself to his capacity. For as the mouth of a vessel, when narrow, dashes aside the liquor that is hastily poured upon it, but receives it when it is conveyed into it gradually, and, as it were, drop by drop, till it is full, thus great attention ought to be paid to the dimension of a boy's capacity. For matters of difficult conception cannot enter into the understanding of a boy before it is dilated and open. It is therefore expedient to associate him with those companions, whom he is first to imitate, and then to outdo; and thus he gradually will give hopes of his arriving at excellency.

Let me add farther; that masters, when they have but one pupil to instruct, do not convey their instructions with that spirit, that efficacy, that energy, as when they are prelecting to numbers. For they are then animated, and animation is the most considerable property of eloquence. The imagination must be touched, it must strike out pictures of objects, and draw them so lively as to be taken for realities, and for nature herself. Besides, the more sublime and elevated imagination is, the more powerful are the springs that impel its motions: glory, therefore, gives it greatness, and enterprise, strength; and its joy consists in being still intent upon some noble attempt. A man feels a certain secret indignation rise within himself when he employs upon a single auditor those powers of speaking which he so laboriously has acquired: he thinks it ridiculous

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to raise his manner above what is required in ordinary conversation. And, in fact, let a man figure to his own mind, an orator declaiming, or a speaker haranguing, his motions, his utterance, the vehement agitations both of his mind and person, his ecstasies, and, to mention nothing else, the fatigue he undergoes, and all this to a single hearer, could such a speaker be looked upon as being better than a madman? Were every audience to consist of a single hearer, there would be no such thing as eloquence upon earth.

CHAP. III.

Concerning the Symptoms of Genius in a Boy.—The Management of his Capacity.—His Diversions.—That Boys never ought to be beaten.

An able master, as soon as a boy is delivered over to his care, will examine his natural capacity and disposition. In children, the chief symptom of capacity is memory. Its properties are twofold; a ready conception, and a firm retention. The next symptom is imitation; for that too is the property of a docile nature; but with this restriction, that it be understood of a boy's happily expressing those matters he is learning, and not a man's manner or walk, or some peculiarity about him that is perhaps still more striking. I have no great opinion of any boy's capacity, whose whole aim is to raise a laugh by his talent of mimicry. For, with me, the virtuously disposed boy is the only ingenious one: because I look upon a mischievous disposition to be worse than a slow capacity. Now a boy, virtuously disposed, is very different from a dunce or a blockhead. Such a boy, as I chuse, will readily

learn what is taught him; he will sometimes be inquisitive, but still he will rather follow than anticipate. It seldom happens, that a premature shoot of genius ever arrives at maturity. Such are they who are dexterous in little matters, and pushed on by impudence; the whole extent of their power is seen all at once. They, however, succeed so far that they string words together, and with an assurance of face, without being under the least apprehension through modesty, they pour them out. Their performance is inconsiderable, but it is quick. Their virtues are not of the true kind; the roots of their knowledge have not a deep hold; like seed that is sprinkled upon the surface of the ground, they soon shoot out; and like stalks that only seem to promise corn, they ripen and rot, without being fit for reaping. We are pleased with such proficiency in so young a creature; but it is soon at a stand, and then our admiration is over.

When a master has observed all these appearances, he can soon judge in what manner the capacity of his pupil is to be managed. Some are indolent unless they are pushed on; some disdain to be commanded; fear awes some, and disheartens others; some hammer out their learning, others strike it out at a heat. Give me the boy who rouses when he is praised, who profits when he is encouraged, and who cries when he is defeated. Such a boy will be fired by ambition; he will be stung by reproach, and animated by preference; never shall I apprehend any bad consequences from idleness in such a boy.

Meanwhile, all boys require some relaxation from study; not only because we know nothing that can bear with perpetual application (and even certain inanimate and senseless things require to be unbended in order to preserve their elasticity), but because

application

application to learning depends upon the inclination, which is a thing that is not to be compelled. For this reason, the minds that generally resist compulsion, when refreshed and repaired, return to study with double vigour and keenness. Neither am I displeased with a boy who is fond of diversion; for even that is a sign of sprightliness; and when I see a boy always sour and always serious, I never can think that he will pursue his studies with any spirit, when at the time of life which nature has chiefly fitted for the love of diversion, he is dull and indifferent about it. A mean, however, is to be observed in this respect; for a total prohibition of diversions may give a boy an aversion to learning, and too frequently exercising them may bring him into a habit of idleness. Some kinds of diversions, however, are proper for improving young minds; for instance, when they challenge one another upon little questions. Besides, in such sorts of diversions boys discover their natural dispositions; for I observe there is no age so tender as that instantaneously to learn what is good and what is bad; and the best time for forming it is, when a boy is incapable of deceit, and when his disposition is most pliable to his master's. For evil habits, when they once settle, are more easily broken then mended. We cannot, therefore, begin too early to inculcate upon a boy that he is to do nothing through selfishness, through malice, or passion: and we are always to carry in our minds what Virgil says;

* Train but the tender age, you form the man.

I am by no means for whipping boys who are learning, though I know it to be a general practice, and that Chrysippus is not against it. In the first place, there is somewhat that is unseemly and slavish

* Orig. Adeo in teneris consuescere multum est.

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in the practice; and it must be owned, that, if you suppose them to be somewhat grown up, it is affrontive to the highest degree. In the next place, if a boy's genius is so illiberal as to be proof against reproach, he will, like a worthless slave, become insensible to blows likewise. Lastly, if a master is assiduous and careful, there will be no occasion to use force. The negligence that prevails at present amongst tutors is such, that, instead of obliging a boy to do his business, he is punished for not doing it. Let me just add; when you whip a young boy for his faults, how are you to treat him when he grows up to be a youth, when he will be above all fear of such chastisement, and when his studies are of greater difficulty? I shall only observe farther, that while a boy is under the rod, either pain or fear often occasions indecencies too shocking to be mentioned and offensive to modesty. The shame of this dejects and dispirits them, makes them shun being seen, and even weary of their lives. Now, if a negligence should prevail in chusing men of virtue for tutors and preceptors to youth, I should blush to say to what shameful abuse some worthless fellows may carry this practice of whipping boys; while others sometimes, infamously, may take advantage of the poor wretch's fears. I shall say no more upon this head; the reader will but too easily comprehend what I mean. Meanwhile, it is sufficient for me to hint, that no man ought to take too much liberty with an age so tender and so liable to injury. I shall now proceed to lay down the arts necessary for the pupil who is to be thus instructed, so as that he may become an orator, and mark out in what manner they are to be pursued in the different stages of youth.

CHAP. IV.

CHAP. IV.

Encomium upon Grammar.—The three Properties of Style, viz. Correctness, Perspicuity, and Elegance.—The Properties of a Discourse.—Of Orthography.

When a boy is able to read and write, he is immediately put under the care of a professor* of classical learning. It makes no difference here whether the language he is to study be Greek or Latin; though I am of opinion he should begin with Greek. Both are to be studied in the same manner. Now this profession is divided at first into two branches; correctness of style, and the explication of the poets; a division which is of greater importance than it appears at first to be. For, in order to write well, we are supposed to speak well, and we must read the poets correctly before we can explain them, and all must be guided by critical judgment. In this respect the ancient professors were so rigorous, that they took upon them not only to censure particular passages, and to remove supposititious books as a spurious brood intruding into a family; but they made an arrangement of authors, allotting to some an ordinary† and to others an extraordinary

* Professor] Orig. Grammaticis. But it is plain from the whole scope of our author's discourse, that he means not a grammarian in the sense we take the word, but a professor of classical learning.

† Ordinary] Orig. Auctores alios in ordinem redigerint, alios omnino exemerint numero. Monsieur Rollin, who published, and the Abbe Gedoyn, who translated our author, understand this passage, as if Quinctilian meant that the grammarians had arranged some authors into their several classes, and had wholly excluded others from the name of authors. But we have a very great authority, that of Priscian, who tells us that the expression in ordinem redigere signifies the same as we say, in an English military phrase, to turn a man down into the ranks from being an officer,

traordinary degree of merit. Neither is it enough that a professor has read the poets; he ought to canvass every species of writing; not only on account of the narrative, but the words, which often derive their force from the author who uses them. Without some knowledge of music, a professor cannot be accomplished, as he will have occasion to treat of measures and numbers; and without astronomy he cannot understand the poets, who (to give only one instance) so often mark the seasons by the rising and setting of the heavenly bodies. We see, almost in all poems, a vast number of passages relating to the most abstruse points of natural philosophy; besides, Empedocles amongst the Greeks, and Varro and Lucretius amongst the Latins, have laid down systems of philosophy in verse; therefore, a professor must not be ignorant of that kind of learning. He must likewise possess no common degree of eloquence in order to express himself with propriety and perspicuity upon all the several points I have here mentioned. It is therefore intolerably impertinent in some, to treat this as a dry, trifling profession; for unless the future orator lays his foundation deep in the liberal arts, all the superstructure he shall afterwards raise upon it, must tumble to the ground. In short, this profession is to the young a necessary, and to the old an agreeable, assistant in retired study; and is perhaps the only branch of learning that has in it more of the solid than of the showy.*

officer, and è numero eximere, is to raise a man above the ranks. This, notwithstanding the objections of the above two gentlemen, is a natural and easy sense of the words, and much better than what they have given.

* What immediately follows here in the original, though very useful to a Latin orator in Quinctilian's time, can be of no service to a British one, and therefore I have followed Monsieur Rollin's example in omitting it here.

But

But to proceed. Style ought to have three properties; correctness, perspicuity, and elegance. For propriety, which is the main consideration, is now generally comprehended under the head of elegance. As these three properties have three faults directly their reverses, they must be examined by the rules of correct speaking, which is the first purpose of grammar. This is expressed in words either standing single or connected with others. I now mean a word in its general sense; for under that a double sense is implied; the first signifying words as connecting together a sentiment. As Horace says,

Verbaque provisam rem non invita sequuntur.

"And words will answer when the mind conceives."

The other sense is when they stand disjunctively; as, I write, I read. In order to clear up any confusion in this matter, some chuse to mark the several senses under which words may be arranged by the terms words, expressions, and modes of speech. Now, every word is native or foreign; radical or composite; simple or metaphorical; common or coined. One is more apt to apply a single word improperly than properly. For a word, however proper, beautiful, and sublime, it may be, when connected with others in a sentence, yet may lose all these characters when it stands detached from its connexion with the rest of the sentence or the order of the discourse.

Certain rules are to be observed in speaking, and others in writing. Now language consists in rationality, antiquity, authority, and usage. Its rationality depends chiefly upon analogy, and sometimes upon etymology. Its antiquity recommends itself by a certain majesty, and what we may call, reverence.

reverence. Its authority is to be derived from orators or historians. As to poets, they are sometimes under compulsion by the nature of their verse; though sometimes without any such compulsion, they prefer one manner of expression to another. As in Virgil; Simo de sterpe resisum; and Aëriæ quo congessere Palumbes; and Silice in nuda, and the like. Now, the judgment of very great men in point of eloquence stands in place of a rule, and it is glorious to offend against grammar, when the offence is authorized by such leaders. The common usage of learned men, however, is the surest director of speaking; and language, like money when it receives the public stamp, ought to have a currency.

As to words recovered from antiquity, they not only have many partisans, but it must be owned that they give to a style a pleasing air of majesty. For they borrow their authority from age; and by being so long disused, they have the graces of novelty. But we must be moderate, nay sparing, in the use of them; neither must they be too antiquated; for nothing is more disgusting than affectation. Nor ought they to be such as are brought from the remotest and most obsolete times; for instance, Topper,* Antigerio, Exantlare, Prosapia; nor such as the Salian verses are composed of, which are unintelligible even to their own priests; but the rites of religion will not suffer them to be altered; and they must be made use of because they are hallowed. But how wretched must that style be that requires an interpreter, since the greatest excellency of style is perspicuity. Therefore, as of our new words the oldest are the best, so, of our old words, the newest are the most desirable.

* Topper signified "quickly," antigerio "very."

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The same observations hold with regard to authority. For though we think that we can never err while we make use of the words that have been used by the greatest authors, yet it is of great importance for us to observe not only what they said, but what they taught. For nobody would now endure the words* tuburcinabundum or lurcabundum, with the authority even of Cato on their side; nor hos lodices, though a favourite phrase of Pollio; nor gladiola, though used by Messala; nor parracitadum, which appears uncouth even in Cælius; nor can even the example of Calvus reconcile me to Collos; and were these great men now alive, they would not make use of such words.

I am now to speak of usage; for it would be extremely absurd, if we were to prefer the language which men did speak to that which they now speak. And, to say the truth, old language is no other than the old usage of speaking. But even this requires consideration, and we must in the first place have a clear conception of what is meant by the term, usage. Now, if you affix that term to a general practice, you endanger not only your language, but (what is more valuable) your morals. For where can you find virtue so prevalent as to have the majority of mankind for her followers? Therefore, pulling up the hair by the roots; curling it into stories; excessive drinking in bagnios, though they are now the mode in Rome, will not hereafter be accounted amongst our usages, because they are all of them practices that are liable to reproach; but washing, shaving, and dining are usages. Thus in speaking, a vitious habit, however general it may be, is not to be taken for the rule of language. For, not to mention how unskilfully the common

* One who eats by stealth, and one who eats voraciously.

with those who require a theatrical manner of delivering speeches in plays or poems; and yet they ought to be spoken with such a cadence as may distinguish them from what the poet says in his own person.

Great care is to be observed with regard to what remains. In the first place, that tender minds (for every thing makes a deep impression upon them while they are yet rude and uninformed), learn not only what eloquence, but what* virtue, is. For this reason it is extremely proper that they begin with reading Homer and Virgil; but a riper judgment is required to understand all their beauties; for they are to be read over more than once. Meanwhile, the sublimity of heroic verse elevates the soul, it derives fresh vigour, it imbibes virtuous principles, from the importance of the object.

Tragedies are useful; and lyric poets too; provided, you not only select your authors, but the passages in the several authors. For we meet with many lewd passages in the Greek authors; and I think some things in Horace ought not to be explained to a young gentleman. As to elegies, especially love ones, and obscene hendecasyllables, too shocking to be particularized here, let the young gentleman be kept from them if possible; at least till he is more advanced in years and strength. As to comedies, I shall soon have a proper opportunity to mention the service they may be of in his education, because they contribute greatly towards eloquence, as reaching to all ranks and characters of men. When they are moral, young gentlemen can read nothing that is more improving. I speak here

* Virtue] The original is, non modo quæ diserta, sed magis quæ honesta, sunt, discant. In this sense, Honestum, according to Burman, does not signify being virtuous, but elegant, genteel, what is becoming a man of quality.

of

of Menander, chiefly, though I don't exclude others. For we have Latin writers this way, who are somewhat improving too. But boys ought to study those that tend chiefly to cultivate their genius and enlarge their understanding. Other studies, that relate to learning only, come in their proper time.

The Latin poets, however, are very profitable for a school-boy; though they excel not through the force of art, but of genius. You may meet in the first of them with freedom of expression; their tradegies are distinguished by a pathetic, their comedies by an elegant, diction, and by an attic turn of wit. The disposition of their story, too, is more artful than what is found in the works of the moderns, who rest the whole of their merit upon sentiment only. I will likewise venture to affirm, that we must have recourse to them for elevation and manliness of thought, as I may call it; since we, at the time we degenerated from true eloquence, plunged ourselves into every kind of effeminacy and immorality. In short, we ought to be guided by the practice of eminent orators, who have recourse to ancient poets either to strengthen their pleading or to embellish their eloquence. For this practice, I appeal to the great authority of Cicero; and often we see Asinius and his equals, or immediate successors, quote passages from Ennius, Accius, Pacuvius, Lucilius, Terentius, Cæcilius, and others; not to display their own learning, but to relieve their hearers, when their ears, tired out with the wrangling of the bar, required to be relieved by the charms of wit. This practice was of great service to their causes, when the sentiments of the poet served as so many evidences for what was advanced by the pleader. But my first observation, on this head, is chiefly applicable to boys, my last to men; as the love of learning and the practice of reading

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ing lasts not only while we are at school, but while we are in life.

The grammarian is to attend to many minute points, in the course of his teaching. While his pupil is reading a poet, the master is to make him construe the line, and unbrace the versification, and give an account of the properties of the several parts that compose it; which last practice is always necessary in poetical, and sometimes in prose, compositions. The scholar ought likewise to be put upon finding out what expressions are barbarous, what are improper, and what are uncouth or ungrammatical; not with a view of disparaging the poet, who generally is a slave to rhymes, and therefore, pardonable (for real faults lose their name in composition, and hence the terms of Metaplasmos, Schematismos, and Schemata, were invented to make a virtue of necessity), but to point out the several liberties a poet is indulged in, and to exercise his memory.

It is, likewise, proper for the young student to be instructed as to the several significations which words may admit of. He is likewise to give a peculiar attention to words that are fallen in desuetude, and seldom to be found but in the dictionary. Above all, he ought to be careful in making him master of the several topics, which are the ornaments not only of a poem, but of a pleading: and to instruct him in the two figures, the one relating to words, the other to sentiments; which two heads, together with that of tropes, I refer to their proper places, when I come to treat of the embellishments of a discourse.

But nothing is so necessary as to make him fully sensible, what powers there are in a just structure, in a graceful disposition, and in the propriety of characters:

characters; where the beauty lies in sentiment, where in expression, where the style ought to be diffused, and where contracted.

To this may be added historical details, which ought to be extremely exact, but not carried into any needless, useless, endless, disquisitions. It is sufficient if it is proved that the facts are received or recorded by eminent authors. For a master to be taken up in canvassing what every despicable fellow has advanced, discovers either a great barrenness of judgment, or a great measure of vanity; besides, it hampers and smothers a young gentleman's genius, which might otherwise be much more usefully employed. For the man who is at pains to turn over every page of history that is unworthy even of being read, such a man is capable of writing commentaries upon old women's gossiping stories. Now the common-place books of professors are very often filled with such impertinent stuff, without the* authors themselves being sensible of it. Didymus, one of the most volumnious writers ever lived, fell into that blunder; for after he had run down a story as being utterly improbable, he was shewn that very story in one of his own books. This happens chiefly to those who deal in ridiculous, shameful, anecdotes. Every impudent

* Authors] Orig. Atqui plenisunt ejusmodi impedimentis grammaticorum commentarii, vix ipsis qui composuerunt satis noti. Burman, upon this passage, gives us a very extraordinary specimen of his critical capacity. "We cannot" says he, "suppose a man to forget what he has wrote, therefore instead of noti we are to read notis, and then the sense will be, that the grammarians don't know what obstruction such impertinent stories bring to study." But Quinctilian happens to tell the story of Dydimus on purpose to shew that a man, by writing too much, may forget what he has wrote, and thereby fall into inconsistencies; and it was no wonder if this was the case of Dydimus, for we are told that he wrote no fewer than 3500 Volumes.

profligate

profligate fellow gives himself the liberty of lying as much as he sees proper; for he thinks he may do it with safety, when he quotes, for what he advances, books that never were wrote, and authors that never existed, and therefore cannot be found. For sharp-sighted critics often detect them when they appeal to authors that are known. Upon the whole, therefore, I must reckon it amongst the excellencies of a professor, to be ignorant of some things.

CHAP. VI.

OF THE FIRST EXERCISES OF A YOUNG GENTLEMAN AFTER BEING ENTERED UPON HIS STUDIES.

HAVING run through two divisions of this profession, the one regarding the art of speaking, the other the explanation of authors; the first of which relates to method, the latter to history, we are now to add certain rudiments of eloquence for the use of those pupils who are yet too young to enter upon the business of an orator. In the first place, let them tell the fables of Æsop, as soon as they have done with the gossiping stories of their nurses, in a simple plain manner, and then let them* endeavour to better that plain, simple manner, by reducing them to writing. As to poetry, let him first analyse the lines, then explain them in other words, and then give a

* Let them endeavour] Orig. Deinde eandem gracilitatem stylo exigere condiscant. The Dutch commentator Burman, and Mr. Rollin the French editor, are of very opposite sentiments with regard to the meaning of this passage. The latter thinks that the author's meaning is, that the boy should reduce what he had told to writing; the former, that he ought to discharge or unlearn the simple style of speaking by writing a better. I am somewhat inclined to be of the Dutchman's opinion, but have translated the passage in a sense which answers both purposes.

free

free paraphrase of them, in which he is at liberty to contract or enlarge as he sees proper, provided he keeps to the sense of the poet. This is a task difficult to accomplished professors themselves, and the boy who succeeds in it tolerably well, is equal to any study. Let the professor then put his pupil upon writing sentiments, chrias, or useful stories, and striking characters; and let him give an account of the occasions and reasons why they were done or said, because they are a part of learning. The same principle runs through all the three, though the manner in each is different. A sentiment ought to be universally true: but the character is applicable only to a man. As to the stories, we have several kinds of them. One kind of them is in the nature of a sentence, and consists of a simple expression; for instance, he said, or, he used to say. Another is by way of answering; being examined, or, when he was told that, his answer was. The third is pretty much of the same kind, as if a man were not to say, but to do, a good thing (for a chria may lie in the action too); when Crates saw an ignorant boy, he struck his tutor. There is another kind, pretty similar to this; but we don't venture to term it a chria, but a κρειᾶδες. Milo, after accustoming himself to carry a calf, carried a bull. All these are pretty much of the same form, and begin in the same manner, consisting equally in actions as words. As to the little stories that are taken from the poets, I am of opinion that a boy ought to learn them, not to improve his manner of speaking, but his understanding. Other things there are of greater importance and difficulty, which the Latin orators have relinquished, and are therefore thrown upon the professors of grammar. But the Greeks are better judges of the weight and the exercise of their art.

CHAP. VII.

CHAP. VII.

That Boys ought to be grounded in several Arts before they are put under the Care of a Professor of Rhetoric.—An Enquiry whether such Arts are necessary for the future Orator.

I HAVE now, with all possible brevity, spoken of the necessary parts of grammar, for it would be an endless matter to pretend to exhaust the subject. I am next to touch upon other arts, which, I am of opinion, young gentlemen ought to learn before they are put under the care of a rhetoric master; and thereby I shall complete the circle of science, which the Greeks term encyclopedia: for they have several studies to pursue at the same time of life. Now, as those studies are arts in themselves, and as, without them, a man cannot be a complete orator, though of themselves they cannot make him such, some question may arise whether they are necessary to this work. "For, say some, what benefit does a man receive, when he is to plead a cause or deliver an opinon, from knowing how to raise an equilateral triangle upon a given line? Or will an orator defend an accused party, or harrangue an assembly the better for knowing the properties and names of all the sounds and stops of music?" It is possible the gentlemen who talk in this manner may give instances of many excellent public speakers, who never attended a professor of mathematics, nor know more of music than the common pleasure it gives the ear.

Now, in the first place, I answer those gentlemen in the words which Cicero addresses to Brutus in his Orator, "That I am not forming an orator, upon any particular model either living or dead; but I am figuring, in idea, an orator complete and

and all-accomplished." For, as the Stoics, when they figure a wise man, require him to be in every respect perfect, and what they call an incarnate god, and that he should be accomplished, not only in the knowledge of things divine and human, but formed to the knowledge of matters, that, taken by themselves, are little, and seem calculated only to gratify curiosity; not that quirks and quibbles can make a man wise, but because he ought not to trip even in the slightest matter: in like manner, music, mathematics, and several other arts I could mention, do not make an orator, who ought to be a wise man; but they assist in compleating one. We see several medicines and specific remedies, for diseases and wounds, that are compounded of various materials, and some of them contrary to one another in their effects, yet the whole composing a mixture which has not the quality of any one ingredient, but takes its virtues from the whole; and we see how the bee, from various flowers and herbs, works up the honey to a sweetness and flavour that no human industry can equal. Are we then to be surprised that eloquence, the most excellent accomplishment that heaven bestows upon man, requires the assistance of various arts, which, though far from appearing or displaying themselves in speaking, yet have a secret operation, and, as it were, a silent effect. Without them, a man may be well spoken; but I require him to be an orator. Those arts may not indeed contribute a great deal; but where even a little is wanting, there cannot be perfection, which, as all agree, is most desirable. The object of an orator's ambition lies indeed high, and, therefore, I require him to have every accomplishment, that he may thereby succeed in having many. But why are our hearts to fail us? There is nothing in nature that renders perfection in eloquence

quence unattainable; and it is shameful to despair, when it is possible to succeed.

CHAP. VIII.

OF MUSIC AND ITS EXCELLENCY.

Now I may rest my opinion upon that of the ancients. Every one knows that in former ages, music, that I may begin with it, was not only studied but adored, and its professors were esteemed prophets and sages. Were not Orpheus and Linus (to name no more) believed to be descended of the gods? And it is told of the first of these, that he not only quieted and charmed the passions of men barbarous and savage, and the fury of wild beasts, but even made the very stones and woods dance after him by the power of his music. Timagenes says, that music is the most ancient of all arts. The most famous poets are likewise of the same opinion; for they introduce musicians at the feasts of kings, singing to the harp the praises of gods and heroes. Thus, in Virgil, Iopas sings,

* The ever-changing moon and rolling sun.

By which that excellent poet declares, that the study of music is even joined with the knowledge of divine things. If this is admitted, it must likewise be admitted to be necessary to an orator. Now this is one of the parts of the profession of eloquence, which, according to my own observation, being abandoned by orators, was seized upon by philosophers, and therefore falls under my plan; and without the knowledge of all such matters there can be no perfection in eloquence.

* Orig. Errantem lunam solisque labores.

There

: cannot be a doubt that some eminent phi-
s have studied music; for Pythagoras and
wers held it as a doctrine, which was un-
ıably established by antiquity, that the world
s created upon the principles of music, and
se principles were afterwards imitated by a
And not contented with that harmony
rises from sounds differing in themselves,
·e assigned a music to the movements of the
r bodies. For many of Plato's works, par-
his Timæus, is unintelligible, without a
ı knowledge of this accomplishment. Need
ıtion philosophers, the greatest of whom, So-
ımself, when an old man, was not ashamed
to play upon the lyre? We are told that the
of generals have sung to musical instruments
ıds; and the Lacedemonian armies were fired
ırage by musical notes. This is the design
having, in our legions, clarions and trum-
ıd their sounds are raised and sprightly, as
ıans are superior to all other nations in mili-
ry. It was not, therefore, without reason
to recommended music as a necessary ac-
ınment in a civil magistrate or a statesman.
: leaders of that sect which some thought to
ssively severe, and others cruelly rigid, were
f opinion that some wise men ought to bestow
their time in learning this accomplishment.
ıs, who formed the rigorous system of Lace-
ın laws, approved of the study of music; and
ıerself seems to have bestowed it as a gift
ıan, to enable him to endure toil with the
readiness. We see how rowers are heartened
ıg; nor does this happen only in those works
he toil of many working at once is greatly
d by an agreeable voice leading up the cho-
ıe whole; for every man when at work, even

and very serviceable to action, nor can it be acquired by any other art. But of this matter I shall speak in a proper place. To proceed; if an orator is to take particular care of his voice, what can be more connected with music? But we are not to anticipate what is to be said upon this head. I shall here be contented to mention one example, that of Caius Gracchus, one of the greatest orators of his time. While he was harranguing the people, a musician stood behind him with a pipe (called by the Greeks τονοτιον), by which he regulated the tone of his voice according to its proper modulation. This was his constant practice amidst his turbulent pleadings, both while he was terrifying the nobility, and while they terrified him.

I shall here, for the sake of those who are not quite well instructed, and who are not quite clear-sighted, leave no manner of room to doubt of this matter. It is agreed on all hands that the future orator ought to read the poets. But can that be done without a knowledge of music? But* if any one is so obstinate as still to have a doubt of this matter, I can appeal to those who have composed poems to the lyre. I should enlarge upon this matter did I recommend this study as being a novelty. But as the practice has obtained ever since the days of Chiron and Achilles to this time amongst all who are not averse to a regular course of study, I shall not, by being over anxious in defending it, bring its utility in question.

But though, from the examples I have laid down, I have sufficiently explained the kind of music I hear recommend, and how far I judge it to be useful, yet I think it necessary to declare, without any reserve, that I do not mean those effeminate, lascivious quavers that are now introduced upon our

* The original is here very much corrupted.

theatres,

theatres, and deprive us of the small share of virility that still remains amongst us; but the music by which heroes were celebrated; the music which heroes themselves used. I do not mean the lewd airs practised upon flutes and fiddles, such as a young lady of any reputation would be ashamed of; but that kind, which being founded upon rational principles, is of the greatest efficacy in raising or soothing the passions. Thus, we are told that Pythagoras calmed the madness of certain young men who were offering violence to a house of reputation, by ordering a female musician to change her notes from sprightly to serious; and Chrysippus assigns a certain air of music to the lullaby by which nurses still their children. It is likewise no illiberal theme for a declamation, if we suppose a musician to have sung a phrygian* air in the hearing of a man who was sacrificing, but thereby becoming all of a sudden furious threw himself down a precipice, and the musician to be accused as being guilty of the man's death. Were an orator to speak upon this subject he could not do it without a knowledge of music; therefore, must not the greatest slighters of this art acknowledge that music is necessary to eloquence, the professed subject I treat of?

CHAP. IX.

OF GEOMETRY.

Some part of geometry is acknowledged to be of use to young students; because it is allowed, that it exercises the reason, whets the understanding, and

* Phrygian air.] These airs were the most spirited of any the ancients had. Upon the whole, if we are to judge from effects, the ancient music, though their instruments were more simple, was much more powerful than the modern; or else the ancients had much greater sensibility than the moderns.

facilitates the quickness of perception; but, at the same time, it is thought not to be of benefit as other arts are, after they are learned; but to benefit in learning. This is only a vulgar notion; and some very great men have, with the most rational views, bestowed vast study upon this art. For as geometry is employed upon numbers and mensurations, the knowledge of numbers, at least, is necessary not only to an orator, but to every one who has the least tincture of learning. But, in pleadings, it is very often of service. For a pleader is looked upon as a blunderer, not only if he is at a loss in his calculations, but if even a doubtful or aukward motion of his fingers betrays any diffidence in his summing up. As to the other, which is the practical part of geometry, it is very often employed in pleadings, for law-suits frequently arise about boundaries and mensurations. But geometry has a still nearer connexion with the art of an orator.

Regularity, in the first place, is necessary in geometry; and is it not so in eloquence? Geometry proves the consequences from the premises, and doubtful propositions from undoubted principles. Do we not practise the very same thing in pleading? For when a demonstration is to be formed from a number of premises, are they not in the nature of so many syllogisms? You may therefore hear people allow this art to have a nearer relation to logic than to rhetoric. Now an orator sometimes, though very seldom, reasons logically; and if the nature of his pleading requires it, he makes use of syllogisms, of the enthymenia, at least, which is the syllogism of rhetoric. Then geometry introduces proofs which the Greeks call mathematical* demonstration. Now what is more necessary than proof is, to a pleading?

* Γραμμικαι αποδειξεις.

Geometry,

Geometry, likewise, contains the principles by which we know how to distinguish between a seeming and a real truth. These fallacies in numbers are introduced by certain false calculations, which the Greeks term παραλογισμοι * and which used to divert us when boys. But some other properties in geometry are of greater consequence. How probable is the following proposition? These spaces that are bounded by lines of the same dimensions contain the same quantity of area. But there may be a fallacy here; because it is of the utmost consequence to know the shape of the bounded space; and mathematicians very properly blame historians for thinking it sufficient to describe the largeness of an island by a ship's reckoning while sailing round it. For the nearer to perfection any figure is, it is the more capacious. If, therefore, the bounding line shall form a circle which is of all figures the most perfect on a surface, it will comprehend a greater area than if it forms a just square. In like manner, a just square is more capacious than a triangle, and an equilateral triangle, than any other. But though some matters in this science may be obscure, yet I will bring an instance that will convince the most ignorant. Every one knows that an acre, in length, measures 240 feet, and 120 in breadth; from whence its circumference and contents is easily known. But a just square of 180 feet will be of the same number of feet with the acre in circumference; but its contents will be much larger. If the reader should not have curiosity to make the experiment, he may be convinced by a smaller number of feet. For a square of 10 feet makes 40 feet in circumference, and 100 feet of contents. But an oblong square of 15 by 5 feet will contain only three-fourths of the area of the just square, though the circumference of both contains the same number of feet. But supposing an oblong

* Fallacias in subductiónibus rationum.

of

of 19 by 1, the circumference will be 40 feet, the same with that of the square of 100 feet in contents, but the contents of the oblong will only be as many feet as it is in length. Thus, whatever you take from the form of a true square is so much lost in the contents. Nay, it may happen that one circumference may be larger than another, and yet have less contents. All this is to be understood of plain surfaces; for, in hills and dales, any one, however ignorant, may see their* contents to be greater than their covering.

But does not geometry enable us to form a just theory of the world, where we are informed by the fixt, and unerring revolutions of the heavenly bodies, that nothing is made at random or by chance? May not this be of use sometimes to the orator? When Pericles, by explaining the theory of eclipses, re-assured the courage of the Athenians, who were terrified by an occultation of the sun; or when Sulpicius Gallus, in the army of Lucius Paulus, lectured upon an approaching eclipse of the moon, lest the soldiers should be discouraged at a matter that bore so much the appearance of a divine prodigy, did not both the one and the other act the part of an orator? Had Nicias been master of this science when he was in Sicily, he would not have lost a fine army of the Athenians which was thrown into rout by a sudden panic. For when the same thing happened to Dion, as he was marching to destroy the tyranny of Dionysius, it was attended with no bad consequences. I admit that these examples are chiefly military, and I shall but just mention the long and obstinate defence which Syracuse made by the sole assistance of Archimedes. It is sufficient for my purpose, if it shall be admitted that many questions arise which can be solved upon no other principles but those of

* Plus soli quam Cæli.

geometry;

geometry; such are division in general, division in infinitum, mathematical or arithmetical progression, all which are only to be solved by lineary demonstrations. In short, if (as I shall shew in the following book) an orator ought to know how to speak upon all subjects, he cannot be without a knowledge of the mathematics.

CHAP. X.

CONCERNING PRONUNCIATION AND ACTION.

Some regard ought to be paid to the player, because he may be of service to the future orator, so far as concerns a just pronunciation, but no farther. For I would neither have a pupil in this art to imitate a womanish tone by quavering, nor the voice of old age by faultering, nor a drunken sot by stuttering, nor an abject slave by wheedling. I don't want him to ape the manner of the lover, the miser, or the coward. These are qualifications, which, besides their being unnecessary for an orator, debauch the mind, while it is yet tender and uninformed, in the early years of life, because frequent imitation settles into a habit, and at last infects our manners. Neither is it every gesture or motion that we are to borrow from players. For, though the orator, in some measure, may be beholden to them in forming both, yet, in his execution, he ought to be very different from the player in the management both of his features, his hands, and his feet,* in the use of which he

* Orig. Excursionibus, The precepts here laid down by Quinctilian are very fine and applicable to every species of speaking in every age and country; yet the expression here in the original seems to allude to a custom which in England seems pretty odd.

he ought not to be excessive. For if a public speake practises any art, it ought to be that of concealin art, so as to make it seem to be nature.

What then, it may be asked, is the business of a instructor in this matter? In the first place, he i to correct every defect of pronunciation in hi pupil; that, in speaking his words, every letter b distinctly and properly expressed. We are apt t mince some words and mouth others: both mar ners are faulty. Some letters we are apt to lisp i pronouncing, as if they were too barking to be ex pressed properly, and we substitute in their room cer tain similar sounds which deaden them into a du affinity with the others. Demosthenes pronounced instead of R through a natural impediment, and bot letters have the same sounds with us as with th Greeks. In like manner the C and the T are, for th same reason, often softened down into the G and th D. These are faults which a master ought not t tolerate, no more than he ought, the false delicacie which some entertain about pronouncing the letter. He ought not to suffer his pupil's words to stick i his throat, nor the sound to whistle through his teetl Neither (which is a great blemish in speaking) he to lower the simple sound of a word to an im proper emphasis, a fault which the Greeks ter κατατετηλεσμενον for so they call the noise of flutes whe their stops are closed, and when by throwing th sound directly down into the large bore of the flut you flatten the note.

A skilful master will likewise take care his pup does not suffer the last syllables of a word or sen

odd. It is that of an orator's walking while he was delivering h oration, and which our author would have his orator to use mo sparingly and modestly than a player. It may however signify n more than that an orator is not allowed to make use of so man airs and flights as a player does.

tence to sink; that the whole of his discourse may be alike and even: when he is to exert his voice, let it be known by the strength of his lungs and not by the motions of his head; that thereby the gesture may suit the voice, and the face the gesture. Care must likewise be taken that the speaker keep his face full to the audience, that there be no distortions about his lips; that his mouth be not convulsed; that his look be manly, his eyes erect, and his head hanging neither to one side nor another; for a disagreeable appearance is of great prejudice in many respects. I have seen many whose eye-lids, upon the smallest exertion of the voice, turned upwards; others downwards; others varied, one lid starting up to the forehead, and the other covering almost the whole eye. I shall, by and bye, shew of what great importance all those circumstances are; and how nothing can be pleasing that is not becoming.

The young orator may likewise learn from the actor with what grace he is to deliver a narrative; how to blend authority with persuasion; with what spirit resentment should rise; and with what temper compassion ought to descend. He will succeed the better in all this, if he selects from dramatic authors certain passages the best fitted for his purpose; that is, those passages that may be best adapted to the practice of the bar, and which will not only improve his delivery, but his eloquence. These may be the exercises of our pupil till years render him capable of higher attainments. Let him then read orations; and when he is touched with their beauties, then let some accurate, able master, be about him. Let the pupil not only edify by reading, but let him be obliged to get by heart the choice passages of what he reads; let him repeat them in the attitude and manner of a pleader, a practice which will be of ervice at once to his voice and his memory.

I have

I have no objection to our young student's learning his exercises at an academy.* I don't mean those academies where combatants prepare themselves for athletic exercises by means of wine and oil, and, by being constantly intent upon them, neglect the mind for the sake of the body. I would have our pupil conceive an utter dislike to all such places. But the schools where gracefulness of motion and behaviour is taught, go by the name of academies too; where a young gentleman learns how to manage his arms; how to use his hands so as not to appear aukward and clownish; that none of his postures be unbecoming; that he may walk with a graceful mien; and accommodate his head and eyes to the sway of his body. Now, as no one can deny all these to contribute to beautiful delivery, so beautiful delivery must be allowed to contribute to true eloquence. It is likewise undeniable that a young gentleman ought to learn every accomplishment that is necessary for his education; especially chiromany† or gracefulness of action, which took its rise in the ages of heroism, was practised by the greatest men of Greece, was approved of by Socrates, ranked by Plato amongst the civil virtues; and recommended by Chrysippus in his treatise upon the education of young gentlemen. We read that even the Lacedemonians ranked a certain kind of dancing amongst the manly exercises, as being useful in war. Neither was this practice held in disrepute amongst the old Romans; as may be proved

* Academy. Orig. Palæstra. In those academies nothing but fencing, dancing, riding, and boldily exercises were taught.

† Chiromany] I have ventured to give this word an English termination, and to explain it by gracefulness of action. It properly signifies the law of the hands, but our author calls it the law of gesture; and it was a term in dancing: the antients looking upon the proper disposition and management of the hands and arms to be of the greatest consequence to gracefulness of motion.

by

by the dance which continues still to be practised by priests, and hallowed by religion. We likewise have Crassus approving of young gentlemen's attending an academy, in the third book of Cicero upon the character of an orator, where he says;* the orator ought to speak with a strong and spirited sway of his body, which he is not to borrow from plays and farces, but from the camp, and even from the academy of arts; and this part of education has, without any reproach attending it, been transmitted to our days. I would not however have a young gentleman attend an academy too frequently, and not at all, after he is a little grown up; for I am not for having the mien of an orator the same with that of a dancing-master; but I think that when a boy, while young, enters upon this exercise, it communicates a secret gracefulness to his manner ever after.

CHAP. XI.

That it is profitable for a young Gentleman to learn several Things at the same Time.—Because it is a property of human Understanding.—Boys, the more they study when young, are the better reconciled to it when grown up.—When young they have most Leisure.—A good Preservative from Idleness.

It is a doubt with some, if all those accomplishments are to be learned, whether they can all of them be taught and understood, and practised at one and the same time. Some hold the negative; because, say they, the mind is confounded and tired out, by so many studies, each of them of a different tendency, and neither their capacity, their strength, nor their time is, equal to such variety; and however

* The orator] The word our author makes Cicero say is inclinatione, but I don't find that any copy of Cicero uses any other word than inflectione.

they

they may suit a more advanced age, yet a boy's genius ought not to be overloaded.

But they who reason in this manner are not sufficiently acquainted with the powers of human nature; which is so active, so quick, and, if I may say it, so omnipresent, that it is almost impossible for it to be confined to a single object; but it can apply its strength to several, not only in the compass of a day but of a moment. Musicians, for instance, do they not at the same time employ their memory, their voice, and a variety of skill, by* touching some strings with the right hand, while they are leading, stopping, and tuning others with their left; even their foot is employed in beating time; and all this all at once. In our own profession, when we find ourselves unexpectedly obliged to plead all of a sudden, are we not speaking one thing while we are thinking upon what we are to say next; are we not, at one and the same time, obliged to supply invention with matter, words with propriety, and action with gracefulness, and all the while be attentive to our pronunciation, our looks, and our gestures? If, with one effort, we can unite all those considerations so differing from one another, why may we not allot one hour to one, and another to another, study, especially as the mind is relieved and refreshed by variety, and on the other hand, it is irksome to be constantly poring over the same study? Reading, therefore, relieves writing; and the fatigue of reading may be diverted by its being laid aside for writing. Let us be employed in ever so many studies, yet still we, in some measure, come fresh to that which we are beginning.

* Touching some strings] We know very little of the Roman music: perhaps if the whole of this passage were rightly considered and compared with the forms of their instruments, it might throw some light upon the manner of performing upon them.

The

e brightest genius will be blunted, were it, for a ole day, confined to hear the lessons of a master on one subject only. Our minds are like our achs; they are whetted by the change of their d, and variety supplies both with fresh ap-tite.

How is it with the other scheme of education? t the young gentleman apply to grammar only; n to geometry; and then laying both these aside, music, without regarding what went before; ile he is studying Latin, let him not have a ught of Greek; in short, let him think only upon at is before him. But how would this doctrine ed with farmers, that they are not to mind and tivate, at the same time, their lands, their vine-ds, their olive-trees, and their plantations. That y are not, at one and the same time, to employ r care upon their meads, their flocks, their gar-s, and their poultry? While we ourselves allow ne part of our time to public business, some to friends, some to our private affairs, and a little pleasure; and any one of those pursuits, if we at-ded to nothing else, would tire us out. It is refore, upon the whole, more easy to apply to ny things at once, than to one thing long.

Believe me, we need not be under any, the allest, apprehensions, lest boys should be too much gued with the toil of studying. No time of life rs with it better. You may perhaps think this a adox, but experience confirms it to be literally e. For the genius, before it grows hardened by , is then the most susceptible of instruction. e instance will make this quite plain. Within first two years after children can articulate their rds, they can speak, almost, every thing, without instructor; whereas the slaves we import from er countries, though full grown, are several years

before

before they can speak our language. But, as a stronger proof of this, take one who is of age and enter him upon learning, and then you will have reason to say, that they who are the most expert in their several professions, are such as have been initiated into them from their childhood. Nay, boys, by nature, can better endure toil than young men can. Observe how often a child falls to the ground, and how little he is hurt; see him crawling about upon his hands and feet; a little time after, you may see him constantly at play, and running about from morning to night; and all this without any trouble, because they carry very little weight about them, and so do not fatigue themselves. I suppose it to be the same thing with the mind of a child. It takes little force to put him in motion; nor does he depend for instruction upon his own efforts; and by submitting entirely to his master's formation, he is not so subject to be tired as he would were he more advanced in years. Add to this another advantage which children have; as they implicitly follow their teachers, so they are no judges either of what they have acquired, or are to acquire; neither are they uneasy at the difficulties of their future studies. Now, daily experience teaches us, that fatigue is more tolerable than reflection is to the mind of man.

Give me leave to say, that a child has more time to spare, than he can ever have, after he is grown up; for the hours of childhood are all employed in receiving instruction from others. But when he withdraws to his room in order to form his style, when he comes to invent and to compose, then he may neither have leisure nor inclination, to enter upon the studies of childhood. Since, therefore, the professor neither can, nor ought to, take up the whole of a young gentleman's time, lest he should give him a loathing

g for study, what can better employ, than such
dies as I have mentioned can, his leisure hours.
it they are studies that I am not for taking up
e whole of a young gentleman's attention: I am
t for his singing as well as those who make it their
fession; nor for his knowing every nicety of the
thematics. I am not for his speaking like a
yer, nor his walking like a dancing-master. But
uld I even require he should be quite complete
all those respects, he has abundance of time.
fine genius (for I don't talk of a dunce) has a
at deal of time to employ upon study. Let me
, in the last place, Why was Plato so eminent in
the exercises which I have recommended to the
dy of our future orator? Not contented with
at could be taught at Athens, or by the Pythago-
ns whom he visited in Italy; he even applied to
: Egyptian priests, and made himself master of
ir mystic learning.

We are apt to cloak our own indolence under the
text of difficulty, for we are not very fond of
igue. It generally happens that professors of elo-
ence court her for vile purposes and mercenary
ds, and not because of her own transcendent
rth and matchless beauty. If such go out to
ad in public, and to make a penny at the bar,
thout the acquirements I have recommended,
their gains shall not equal those of a pedling
oker, and a common auctioneer shall be better
id for his expence of lungs.

I desire this may be read by none who shall sit
wn and make an estimate of the expence of time
d application. But, give me the reader who
ures in his mind the idea of eloquence, all-divine
she is; who, with Euripides, gazes upon her all-
bduing charms; who seeks not his reward from
e venal fee for his voice; but from that reflec-
tion,

tion, that imagination, that perfection of mind which time cannot destroy, nor fortune affect Such a man will readily agree with me, that the hours now misemployed at the theatre, upon the parade, in wasteful play and idle conversation (not to mention long meals and late hours), if spent upon music and the mathematics, would give him more real delight than could the whole circle of such illiberal pleasures. For Providence has so much favoured mankind, as to make those arts, that are the most laudable in themselves, the most serviceable to human life. But this pleasing reflection has made me deviate too much. I have now finished what I had to say upon that part of education which is to be given to a young gentleman before he aims at higher attainments. The following book presents the reader with a new subject, and treats of an orator's duties.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK II.

CHAP. I.

AT WHAT AGE A YOUNG GENTLEMAN IS TO BE PUT INTO THE HANDS OF THE PROFESSOR OF ELOQUENCE.

A CUSTOM has obtained, and daily prevails, that pupils are always delivered over much later, than in reason they ought, to the Latin professors of eloquence, and consequently to the Greek. The reason for this is two-fold; first, because teachers of eloquence have given up part of their profession; secondly, because the grammarians have laid hold upon what, properly, is none of their's. For the former think themselves obliged only to declaim, and to teach the principles and practice of declamation; and that, too, they confine to matters of debate and decision in the courts of law. As to other attainments, they despise them, as being too despicable for their profession. Meanwhile, the grammarians, not contented with doing us the favour, as they call it, to teach the part which the others had abandoned, carry their encroachments so far as to break into the pathetic and persuasive, which call for all the powers of eloquence to sustain them. The

The consequence of this practice is, that the one professor now finishes that part of education at which the other formerly began; and the pupil, at an age which ought to be employed in higher attainments, is drudging in the lower forms, and learning rhetoric from a grammarian. Thus it happens very ridiculously, that the young gentleman, at the time when he ought to be master of the art of declaiming, goes to learn it.

Let us now settle the real boundaries of both professions: and let grammar (which in Latin they have translated to be literature) know her own original limits, especially as she has made such advances from the meanness of her original appellation. For that which, near the source, was no more than a rill, now foams along in a widened channel, by the accession of poetic and historic streams; and from being confined to the narrow study of speaking with propriety, she now engrosses the circle of almost all, even the most exalted, arts: while rhetoric, though she takes her name from the powers of eloquence, never reclaims her own property, and has no ambition to repossess herself of a painful study, though it properly belongs to herself; and thus, by giving way to her indolence, she is almost driven out of her territory. I shall not however deny, that sometimes a professor of grammar may make such advances in the art of rhetoric as to be qualified to teach it; but, in that case, he will not act in the capacity of a grammarian, but of a rhetorician.

It is likewise my purpose to inquire. at what time a boy is ripe for studying the rules of rhetoric; in which inquiry we are not to be directed so much by the consideration of the pupil's age, as of his proficiency. Now, not to be longer upon this question, I think the time for entering a boy upon rhetoric is as

arly as he is capable of that study; but that is determined by the consideration I suggested re. For if he is suffered to continue in the marian's hands till he learns the arts of reasoning ch are the rudiments of eloquence), then he s not to enter with the rhetorician so early. , if the rhetorician does not disdain to teach ground-work of his business, he will immediately ate his pupil in the method of stating a case, set him little exercises, both of praising and in- ning. Are we ignorant that the ancient teachers etoric, in order to improve eloquence, employed e kinds of exercises, defended propositions, e from general topics, and touched upon every mstance of time, place, and person, that could as matter for debate upon causes whether real aginary? From this it appears how scandalously rofessors of rhetoric have abandoned the pro- e which was its earliest, and long undisputed, ession. Can it be proved that any one of the ex- es I have mentioned may not essentially belong e study and practice of rhetoric in general, and not actually fall under that species of it which propriated to the bar? Do we not state cases at ar? Nay, I am not sure whether it is not the useful part of a pleader's practice. Has not a ler frequent occasions to employ panegyric, in- ve, and general topics; such as those which ro composed, and which were levelled against ; or such as those that are, in general, applicable e cause depending, in the nature of those pub- d by Quintus Hortensius? For instance; What ee of evidence amounts to a proof, what evi- e is to be believed and what rejected; is not, I all this practice in speaking essentially necessary e business of a pleader in a court of law? These eapons which orators ought always to have in

readiness, to make use of as occasion offers: and whoever shall be of opinion that they are not essential to eloquence, must be absurd enough to deny that the artist has not begun his statue, though he has already moulded all its limbs. Some may blame my hurry in taking the pupil out of the hands of the grammarian, and putting him too early into those of the rhetorician. Why, then, let him even have both masters at the same time; there is no danger of the boy being over-burthened with two teachers. I am not for increasing, but separating, his studies, which may be confounded if he continues only under the grammarian; the pains which each master bestows will be the more successful if confined to his own province of teaching. This is a method of education that still prevails with the Greeks, but is disused by the Latins, and with some shew of reason, if, where one master leaves off, another, be where it will, is always found ready to begin.

CHAP. II.

CONCERNING THE MORALS AND BUSINESS OF A TUTOR.

When a boy, therefore, has arrived at such maturity of judgment, that he is capable to master, what I have mentioned to be, the first principles taught by a rhetorician, he is to be put under the care of a professor of that art. With regard to him, the chief consideration is his morals. The reason why I enlarge upon that consideration in this part of my work, is not that I think the morals of the most inferior masters are not to be accurately examined, (for I declare myself in the first book to be of another opinion) but because the age of the pupils ren-

ders

the most proper place for mentioning this
Boys are delivered over to the professors of
under whom they continue for some time
y come to be young men: the attention
:er, therefore, ought to be the greater. His
ıght to protect the weak from injury; and
›rity ought to deter the wild from licentious-
'he greatest purity of example is not suffi-
ı master, unless he can put the morals and
ır of his scholars under an absolute submis-
is discipline.

e master, above all things, therefore, bear
his scholars the affection of a parent, and
ın himself as succeeding to the place of those
e delivered them over to his care. Let him
›ractise nor tolerate vice. Let his disci-
without asperity, and his indulgence with-
pness; thus he will secure their affections,
d their contempt. Let the frequent sub-
his conversation be concerning what is
and what is virtuous; for the oftner he ad-
›, the seldomer he will be obliged to punish.
far from being passionate, yet he is not to
e whatever requires amendment. Let him
in teaching, patient of labour, and punctual
an precise. Let him readily answer the in-
, and of himself examine those who are
e. In commending the exercises of his
:e ought neither to be niggardly nor lavish,
the first begets disgust, the other negligence.
cting what is amiss, he ought not to
ıtured, but far less ill-mannered. For
›ung gentlemen are driven from their
by their masters reproaching them as if
ed them. A master every day ought to
›upils somewhat which they are to carry
th them. For, though reading furnishes
:e of examples for imitation, yet we receive

fuller

fuller satisfaction from, what I may call, the living voice, especially of a master who, by skilfully educating his scholars, attracts at once their love and esteem. For it is almost impossible to express with what pleasure we imitate the man we love.

I am entirely against the common practice of young gentlemen starting up and making a noise when they applaud a thing. Even the more advanced amongst them ought to be modest in approving what they hear. The younger pupil will thereby depend upon his master's judgment, and will think every thing he says to be right, if it meets with his approbation. As to that much-mistaken piece of good-breeding, as it is called, of applauding one another's compositions, be what they will, it is not only unbecoming, and theatrical, and foreign to the discipline of a school, but it is absolutely destructive of learning itself. For if, while they are speaking, every thing that comes uppermost is sure to meet with applause, they will think they have no occasion to be at the expence of study and application. The hearers, therefore, as well as the speaker, ought to consult the master's countenance for what they are to approve or blame in a composition; and thus the scholar will at once acquire a propriety of diction, and a justness of discernment. The present practice, however, is, for scholars to be eager and ready upon every little turn of a period, not only to rise up, but to run about and clap it with most unseemly applause. The compliment is repaid in its turn and upon this, the merit and success of a composition now depends. The consequence is false pride and empty self-conceit; insomuch that while the scholars are so excessive in their applauses they are apt to be prepossessed against the master's judgment, if he be but only moderate in his approbation. But masters themselves should desire

ir scholars hear them with attention and
; for the master is not in speaking to court
probation, but they his. If it be possible,
, let him narrowly observe what each scholar
ed with, and in what manner it affects him,
will have reason, not more upon his own
on their account, to be pleased with every
of their praising with discernment and

gainst boys sitting promiscuously with young
or though a man, such as we suppose him to
has the charge of the studies and morals of
s capable to keep the most advanced of his
ıder proper regulations, yet I am even for
g the weakly from the robust; and thereby
not only against the commission, but the
ı, of a criminal intercourse. This, I think,
) be just hinted at. For I think it needless
ımend that both master and pupils should
of actual guilt. But if any father is not
) avoid chusing a man of avowed profligacy
ct his son, I am here to inform him, that all
I have now laid down for the benefit of
entlemen, can be of no manner of service

CHAP. III.

THE SCHOLAR IS TO BE IMMEDIATELY PUT UNDER CARE OF THE MOST EXCELLENT MASTER THAT CAN BE FOUND.

ıER must I omit touching upon the opinion
who admit that a boy may be fit to be
ıpon the study of rhetoric, and yet that it
per to put him immediately under the care
of

the most eminent professor; but that he should apply for some time under those of an inferior rank: as if, in forming a boy to learning, a master of middling parts is most eligible; being more easy to be understood and imitated, as well as less impatient in removing the knotty parts of the elements of knowledge.

Now, I think it will not cost much pains to shew the great importance of giving a child the earliest tincture of whatever is most excellent in its kind, and the very great difficulty there is in discharging a wrong habit when once it has taken possession. For the master who succeeds has a double task, that of unlearning their pupils what they learnt before; a matter of more difficulty than that of instructing him anew. For this reason, Timotheus, an eminent master of music, is said to have required from the scholars who had begun to be instructed by another master, fees double what they paid who entered first with him.

There is, however, a twofold mistake in this matter. In the first place, they think an indifferent master may do very well for young beginners; a vulgar and a gross mistake! But this neglect, however blameful, would be more tolerable, did such schoolmasters only teach less, and not worse, than others do. There is another mistake which is still more general; that a man of eloquence will not descend into every minuteness of teaching, and that this proceeds either from their disdaining to comply with so inferior a practice, or from their being utterly incapable to do it. For my part I exclude from the rank of professors, every man who shall think this practice beneath his attention; and I affirm, that the abler a master is, he is the more capable to descend to it. In the first place, because we must suppose the man who excels in eloquence, to have most accurately attended

ıded to all the means of acquiring it. In the place, method is of great efficacy in instruct- and the best master always practices the best ıod. In the last place, because no man, who is ıent in great matters, can be supposed to be :ient in small ones; unless we can imagine that a lias, after finishing a masterly statue of Jupiter, find himself outdone by another, in every thing relates to its ornaments; or, that an orator ıot keep up a common conversation; or, that an mplished physician knows not how to cure the ıtest diseases.

ut it may be said has not eloquence properties far surpass the measure of a boy's understand- Who doubts but it has? But I am to suppose professor of eloquence to be, at the same time, an of sense and of practice in teaching, and one knows how to adapt himself to a boy's ıcity. Thus, were a man, who walks very fast, et out on the same road with a child, he would him his hand, and, relaxing his pace, go no er than the child could follow. But it generally pens, that the lessons of the most skilful masters the most intelligible, and the most perspicuous; perspicuity is the chief property of eloquence, the poorer a man's capacity is, the more he en- ours to recommend himself by stretching and ing it; as we see short people raise themselves their tiptoes, and cowards talk in a blustering ıner. For I hold it to be an absolute certainty a stile, swelling, incorrect, jingling, or infected ı any of the faults that proceed from injudicious :ation, is vitiated, not through the exuberance, the want, of power: In like manner, as bodies are ed up, not by health, but by disease: and commonly lose our way when we strike out of plain rode. Upon the whole, therefore, the

worse

worse speaker a man is, he is always the less intelligible.

I am very sensible, that in the foregoing book, when I preferred a public to a private education, I said that children, in their first efforts and advances towards learning, had a pleasure in conforming themselves to the manners of their fellows, because they are most natural to them; and some may think that opinion to be inconsistent with what I have recommended; but the case is far otherwise; for one of the reasons that can be brought for putting a gentleman, at first, under the care of the most excellent professor, is, because such a master, being best able to instruct his pupils, either his manner of speaking is most proper for imitation, or, if they mistake, they are instantly set right; while an insufficient master is apt to encourage them in what is faulty, and he forces his whole school to follow his wretched opinion. Therefore, the man ought to excel in eloquence, as well as in morals, who undertakes this profession, and, like Homer's phœnix, he ought to instruct his pupil how to act, as well as how to speak.

CHAP. IV.

CHAP. IV.

UPON THE EXERCISES TO BE PRACTISED BY A YOUNG GENTLEMAN, WHILE HE IS TRAINING UP TO ELOQUENCE.

First, Stating of Facts.—Exuberance in Youth praised.—Their Compositions ought not to be corrected with too much Severity.—That they ought to be taught to write as correct as possible.—Secondly, The Manner of laying down and refuting the Facts of a Case.—Thirdly, Concerning Praise and Reproach.—Fourthly, General Topics.—A Dissuasive from the Practice of keeping common Topics at Home ready drawn out, to be made Use of as Occasion shall serve.—Fifthly, The Advantages and Disadvantages of Law.

I AM now to proceed to mention the first exercises which I would recommend to the young student of eloquence; without immediately proceeding to, what is commonly termed, the art of rhetoric. In my opinion, then, he ought to begin with that kind of exercise that bears the greatest resemblance to what he has learned under the professor of grammar. Now, we have three kinds of narrative besides that used in pleadings. The fabulous, upon which tragedies and poems are founded, and which is not only remote from truth, but from its very appearance. The argumentative, such as is made use of in comedies, and which, though not true, has the resemblance of truth. The historic, or the stating a matter of fact. With regard to the two first, we have given them up to grammarians; the professor of rhetoric, therefore, is to enter his pupil upon the historical narrative, which, the truer it is, is the stronger.

I shall leave, however, the discussion of what I take to be the best method of stating a fact till I come to treat of the judiciary part. It is here sufficient for me to hint that there is no occasion to be-

stow

stow so much application to study, if facts are to appear naked and unadorned with language. A narrative, therefore, ought not to be bald and jejune, nor on the contrary ought it to be complicated and flourished with descriptions that are foreign to the matter, and generally spun out with poetical licence. Both extremes are faulty, but the faults proceeding from the poverty, are worse than what proceed from the exuberance of expression; for a style of language, perfectly correct, is neither to be required nor expected from boys. But I prefer the genius that is brisk, and daring in its attempts, and the spirit that sometimes exceeds in its effects; nevertheless shall I find fault with a scholar for a luxuriancy of parts. I even recommend it to teachers to take particular care that they imitate the indulgence of nurses in nourishing the tender mind, and that they fill it with the milk, as I may call it, of agreeable literature. This will give them a plumpness in their younger years, which in their more advanced age will be knit and confirmed with strength and sinews. For when a child has all his limbs duly proportioned in his infancy, it portends leanness and weakness to his manhood. At this age, permit him to be a little extravagant, to employ a little invention, to be proud of what he invents, even though it may not be quite regular and correct. Fertility is easily cultivated; but no art can cure barrenness. I have no great opinion of a boy's future genius, when exactness is the only standard by which we can measure it. I love to see the first materials disclose themselves in great abundance, nay, with profusion. Much will be mellowed down by years, much will be polished away by reflection, and somewhat will wear out by experience itself; supposing still, however, that there is sufficient matter for pruning and lopping away; but there still will, provided we do not, at the beginning

hamme

mmer out the plate so thin, that it will not take e impression of the graver. Whoever consults at Cicero says upon this head, will not be sur-ised that I am of these sentiments; I love, says he, superfetation in youth. I would have something youth that I can lop away. Therefore, above : things, we ought to avoid chusing, especially for ys, a tasteless master, as much as we would a rched, sapless soil for young shoots. They who ver dare raise their sentiments above what they hear common conversation, immediately prove mere rarfs and reptiles. To such, leanness supplies the ace of health, and impotence, of judgment; and ile they think it is sufficient to be without vices, ey possess the vice of being without any virtue. erefore, with me, maturity itself may come on too t. I am not for having liquor grow mellow while is in the vat; I love to have it, as it grows old, re-rve its strength, and improve its flavour. I am now put in another caution, that should be attended to, ich is, that a boy's capacity may be dulled by too eat strictness in correcting him. This, at first, gives n despondency, then pain, and at last aversion study, and, which is worst of all, when he is aid of every thing, he attempts nothing; for, with s spirit, he loses all his power. There is not a wn but knows how dangerous it is to apply the uning knife to tender shoots, before they can bear be lopped, or suffer an incision. A master ought, erefore, to render himself agreeable; so as to soften d palliate what nature has made rough and un-easing. He ought to praise one passage, to bear th another, to give his reasons why a third should altered, and to illustrate a fourth, by adding some-at of his own. Sometimes it may be proper for n to dictate the whole exercise, that, while the ung gentleman is imitating it, he may fall in love

love with it, as if it was his own performance When I found a boy, whose composition was too faulty to admit of being corrected, I have found it of service to order him to write over the same subject anew, after I had given him a fresh explanation of it; telling him, at the same time, that it was in his power to do it much better; for nothing enlivens a boy to study, more than hopes of success. Different ages, however, require different means of amendment, and the task that is to be either composed or corrected, should be proportioned to the pupil's abilities.

When I have seen the composition of a boy a little extravagant or flighty, I have told him, it was very well at his years, but that the time would come when I would not show him any such indulgence. Thereby, I encouraged his genius, without imposing upon his understanding. But to return from this digression; I am for having narratives composed with all possible accuracy. For I think it of service to a boy's language, when he begins to learn to speak, to repeat what he hears; and it may be right, while he is explaining any thing, to make him repeat from the beginning to the end, or from the middle, sometimes one part, sometimes another. But this is an exercise to be imposed upon boys only while they are very young, and while they can do nothing else; for when they are just beginning to connect their ideas with words, it serves to strengthen their memory: when they learn to form and to polish their style, an off-hand prating, random flights and sudden starts, are ridiculously ostentatious, and only fit to amuse the gaping crowd. Such exercises give a false pleasure to the thoughtless parent; to the boy, a contempt of application, a shameless front, a wretched habit of speaking, a promptitude in mischief, and that insolence of

self-conceit

elf-conceit which is often fatal to the most promising advances in learning.

There is a certain time for acquiring a quickness and volubility of speech; and I shall treat of it in its proper place. At the age I speak of, it is sufficient, if the pupil is attentive to what he is about, if he bestows all the application his years can admit of in composing somewhat that is tolerable; let him persevere in this practice, and habit will soon become second nature. The man who learns to speak properly before he learns to speak quickly, will in time prove to be the man, or very near the man, whom I here want to form into a complete orator.

It is proper for a student, after he has applied to the composition of narratives, to proceed to the practice of establishing and refuting them, which, by the Greeks, is called ἀναίρεσιν καὶ κατάστασιν. This exercise may be of use not only in fabulous and poetical subjects, but even with regard to the monuments of our own history: if we are to examine, for instance, into the credibility of that passage, where we are told that a crow came and sat upon the head of Valerius, while he was fighting, and struck with his bill and wings at the eyes and the face of the Gaul his enemy, what a field of disputation is here opened on both sides of the question! We may say the same of the serpent which is said to have engendered Scipio, the wolf of Romulus, and the Ægeria of Numa. As to Greek histories, they are filled with facts as bold as the licences of the poets. We are likewise very often in doubt with regard to the time and place of an event, sometimes with regard to a person, (as Livy often is), and one historian is perpetually contradicting another.

But our young gentleman begins now to aim at higher matters, to praise the eminent, and to lash the guilty; an exercise attended with many advantages.

vantages. For the genius is thereby employed with a multiplicity and variety of matter, and the mind is formed to know the difference between good and evil, besides acquiring an extensive acquaintance with men and things: while, at the same time, it is furnishing itself with a variety of examples, which is of the most decisive influence in all kinds of causes, to be made use of as occasion shall serve. To this study succeeds that of drawing parallels between two subjects, which is the better, which the worse man: and though this exercise is built upon the same principle with the former, yet it unites both manners, and examines not only the nature, but the degrees of virtues and vices. We shall, however, speak in the proper place upon the subject of praising, and dispraising, as it forms a third part of rhetoric.

As to general topics, I mean such as we do not use to point at the person, but the vice; for instance, against an adulterer, a gamester, or a rake; they fall in with the chief purposes of pleading, and by only naming the party, they are immediately formed into impeachments. Nay, sometimes without naming the party, he may be so characterised as to be known: as when we say, for instance, the blind adulterer, the needy gamester, or the old, profligate, fellow. We may likewise sometimes form general topics into defences. For we may have occasion to plead in favour of love or luxury, and to defend the cause of a pimp or a parasite: but so as to make the best of the cause, without patronising the vice.

As to propositions which arise from comparison, for instance, Which is preferable, a town, or a country life? Which has most merit, the gown or the sword? The opportunities they afford for the practice and improvement to eloquence are wonderfully beautiful

ul and copious: whether we consider them
tly contributing to the business of persuasion,
issue of a trial. Nay, we see that Cicero, in
tion for Muræna, has spoken very fully upon
ic I last mentioned. We have other topics
e almost entirely of the deliberative kind;
s, Whether we ought to enter into matrimony?
er we ought to hunt after preferment? For
d but to name the parties, and they become
subjects for pleading,

masters used to afford us a very profitable,
t the same time, to us a very agreeable, enter-
ent, by fitting us to speak upon matters of
ture; for instance, when they ordered us to
ne and discuss such a question, as, why the
of Venus had armour on amongst the Lacedæ-
ns? or, why is Cupid represented under the
of a boy, furnished with wings, arrows, and a
? And the like: in all such exercises, we en-
l into the meaning of the thing, a practice that
often occurs in pleadings, and may be ranked
gst the Chriæ.

to topics relating to witnesses, whether we
ways to believe them? or to evidence; for in-
e, whether we are to be determined even by a
er proof? They so incontestibly fall in with the
ice of the bar, that some pleaders, of distin-
ed rank in the government, have been known
ite them out, to get them exactly by heart, to
them in readiness, so as to be able at proper times
ng them out as occasional ornaments, when they
off-hand. This is a practice, I will venture
it, (for I can no longer conceal my sentiments
s head), that betrays the greatest insufficiency
ilities. For what figure must such a man
at the bar, where every day presents a new

and

and a different subject of pleading? How shall he invent somewhat of his own to say, to obviate the different objections that are brought? Can a man be quick in his replies, can he be accurate in examining witnesses, when he is obliged to have recourse to a set, premeditated form of words, to express himself upon the most common occasion, and in matters that so frequently occur at the bar? Such men, when they are to repeat the same sentiments upon different occasions in a court of justice, like the remnants of cold meat, create a loathing in the audience; for he himself must blush, like the owner of tawdry apparel, the sight of which becomes common by being so often exposed to the eyes of the public, and is worn out, as is the case with beggars who want to make a show, by employing them upon many and different occasions. Besides, there can scarce be a topic so common as to admit being adapted to every cause, unless fitted to it by a peculiar set of words, proper for the subject, so that the application may appear natural and not forced; otherwise, it will not be of a piece with the rest of the pleading, and the whole has generally an air of impropriety by being introduced, not because it is necessary, but because it is ready. Thus, some make a digression into the most copious topics merely for the sake of introducing a sparkling sentiment, whereas every sentiment ought to arise from the subject. In like manner, all the particulars I have recommended are no farther either beautiful or profitable than as they naturally arise in the course of the pleading. I will farther observe, that let a set of words be ever so beautiful, unless they tend directly to the purpose of persuasion, they always appear idle, and, sometimes, inconsistent. But it is time to finish this digression.

The

*The establishing or weakening the force of a law, requires almost the whole of an orator's abilities. Whether this is an exercise that belongs most properly to the pathetic or the argumentative part of rhetoric, depends upon the customs and constitutions of different states; for, amongst the Greeks, the enactor of a law might be summoned to appear before a judge; while the custom amongst the Romans was to plead for and against a law before an assembly of the people. Both manners are comprised in a few, and those almost certain rules. For law is of three kinds; SACRED, PUBLIC, and PRIVATE. This division has more dignity if it is laid down so as to grow upon us; that it is a law, that it is a public law, that it is a law enacted for the service of the gods. As to the matter to be debated, it is in every body's hands. For either the question must relate to the insufficiency of the person who brings in the law; for instance, Publius Clodius, whose authority was disputed, because he was not created a tribune in a proper manner. A speaker may even arraign a law for not passing in the necessary forms. And here he has a copious field; either that it has not been promulgated for three market-days; that it did not pass upon a proper day; that it was carried through against the protest of a magistrate, who had a right to impose a negative upon it; or against the auspices; or that it wanted some other necessary form to give it the sanction of a law; or that it clashes with some other law in force. But such exercises do not fall into the early part of education I now treat of; because they stand uncon-

* Monsieur Rollin has omitted, in his edition, the whole of this beautiful chapter, from this passage to the last paragraph; his reasons for it are obvious, viz. because it could be of no service to the practise of a French orator, either at the bar or from the pulpit, but I have carefully preserved it for the use of the british reader, to whom alone it can be serviceable.

nected with particular persons, times, and causes. In all other respects, they are generally treated in the same manner, whether the dispute be real or fictitious. For a law must be faulty either in words or matter: with regard to words, we are to examine whether they are sufficiently expressive, and whether they do not contain some ambiguity? With regard to matter, we examine whether the law is consistent with itself; whether it affects the public or only private persons? But one main consideration is, whether it conduces to virtue, or to public utility only? I am sensible that this consideration is generally split into many parts. But I rank under the name of virtue, whatever is just, pious, religious, and the like. The term just, however, admits of various discussions. For we are either to consider a fact as being worthy of punishment or reward; or the measure of that punishment or reward, which may be blameable either by being too great, or too little. As to public utility, it is to be determined either by the nature or the expediency of the measure, which may depend upon the circumstances of a conjuncture. Sometimes the practicability of a law is a main object of consideration. It is likewise proper to know, that of some laws the whole is blameable, and of others only a part; and we have examples of both kinds in the compositions of the most famous orators. I am likewise sensible that some laws are only temporary, and relate to the conferring public power and honours; such was the Manilian law, which Cicero recommends in a speech. But I forbear to lay down any rules upon this subject at present; for they must arise from particular circumstances, and not from any general principle.

Such were the subjects that commonly employed the eloquence of our antient orators, but they borrowed their method of reasoning from the art of logic.

logic. For it is pretty plain that the Greeks did not, till about the time of Demetrius Phalereus, handle supposititious cases in the same manner as if they were to be debated at the bar or the council-board. I have already confessed myself, in another book, to be ignorant whether he invented those kinds of exercises; they who are very positive that he did, are by no means well founded in their authority. Cicero himself, however, tells us that Latin professors began first to practise a little before the death of Lucius Crassus; of which professors, Plotius was the most remarkable.

CHAP. V.

CONCERNING READING THE WORKS OF ORATORS AND HISTORIANS UNDER A PROFESSOR OF RHETORIC

That a Professor of Rhetoric ought to instruct his Pupils in the Works of Historians and Orators, and point out the Beauties and Blemishes of both.—That sometimes he is to read incorrect Orations.—That he is frequently to examine them.—The very great Advantages attending such Exercises.

I SHALL soon have occasion to touch upon the method of declaiming; meanwhile, as I now am treating only on the rudiments of rhetoric, it is proper I should here lay down a method by which the pupil will reap great advantages. We have seen that grammarians require their scholars to explain the works of the poets; in like manner let the professor of rhetoric instruct his pupils in the reading of history, and, above all, of orations. This is a practice which I went into with a few of my scholars, whose age seemed to require it, and whose parents thought it serviceable to their education. But in the main, though I was fully apprised of the utility of this method, yet I was under two difficulties; In

vantages. For the genius is thereby employed with a multiplicity and variety of matter, and the mind is formed to know the difference between good and evil, besides acquiring an extensive acquaintance with men and things: while, at the same time, it is furnishing itself with a variety of examples, which is of the most decisive influence in all kinds of causes, to be made use of as occasion shall serve. To this study succeeds that of drawing parallels between two subjects, which is the better, which the worse man: and though this exercise is built upon the same principle with the former, yet it unites both manners, and examines not only the nature, but the degrees of virtues and vices. We shall, however, speak in the proper place upon the subject of praising, and dispraising, as it forms a third part of rhetoric.

As to general topics, I mean such as we do not use to point at the person, but the vice; for instance, against an adulterer, a gamester, or a rake; they fall in with the chief purposes of pleading, and by only naming the party, they are immediately formed into impeachments. Nay, sometimes without naming the party, he may be so characterised as to be known: as when we say, for instance, the blind adulterer, the needy gamester, or the old, profligate, fellow. We may likewise sometimes form general topics into defences. For we may have occasion to plead in favour of love or luxury, and to defend the cause of a pimp or a parasite: but so as to make the best of the cause, without patronising the vice.

As to propositions which arise from comparison, for instance, Which is preferable, a town, or a country life? Which has most merit, the gown or the sword? The opportunities they afford for the practice and improvement to eloquence are wonderfully

beautiful

in stating facts; his conciseness, his exactness; how full of meaning in one period, of cunning in another, and how artful through all; for the whole art of his profession consists in disguising art so as none but an artist can find it out. The master is then to observe with what skill the orator divides his subject; how subtile, how quick he is, in reasoning; with what power he inspirits, with what softness he sooths; his invectives how keen, his wit how delicate; what command he has over the affections, how he breaks into the passions, and how he moulds the minds of his judges to every purpose of his pleading. With regard to elocution, he is to point out every property, ornament, and sublimity of expression; where it was needful to amplify, and where to extenuate; where a metaphor is beautiful; where a figure is just; and where the orator has, in his composition, united strength with smoothness, and what is flowing with what is manly.

It likewise may be of service to give boys public lectures upon orations that, in themselves, are of a corrupted, faulty composition, and yet, through the prevalence of bad taste, are generally admired. Here the professor will have an opportunity to show his pupils, how they are filled with passages improper, obscure, swelling, creeping, mean, affected, and effeminate; and yet those passages not only meet with a general admiration, but, what is worse, their very faults beget that admiration. For a discourse that flows in a plain natural, manner, seems to denote no genius; while we are apt to admire, as something very curious, whatever is out of the common road. In like manner some people put a greater value upon figures that are distorted, and in some respect monstrous, than they do upon those who have lost none of the common beauties of nature. Others are fond of mere appearances; they love the

man

man who plucks his hairs out by the root to make his face smooth, who applies the curling-iron to his locks, who buys his complexion; they think that, in such a figure, there is more beauty, than in all that can be bestowed by uncorrupted nature; as if the comeliness of the person arose from the depravity of the mind.

The professor ought not only to inculcate these truths, but he ought frequently to examine his pupils, and to make trial of their capacities. Thus, they never will be off their guard, nor will his rules slip through their memories, while at the same time, they are still tending to the main point, that of being able to invert and judge for themselves. For what other purpose has teaching, than that a pupil may at last be under no necessity of being taught?

I will be bold enough to say, that an exact observance of the exercises I now recommend will be of more service to scholars than all the arts of teaching ever yet invented, though, no doubt, they are very serviceable. But how is it possible, in so extensive a system, to touch upon every different circumstance that daily occurs? Thus, though the military art is laid down in certain general rules, yet a soldier receives the most instruction when he learns upon what account, in what situation, and at what emergency, those rules have been applied with judgment by great generals. For, in almost every art, experience is more serviceable than precepts. Supposing a master is to give to his scholars a specimen of his eloquence, which is to serve them as a model for their's; can we think they will not receive more benefit by reading Cicero and Demosthenes? The common practice is, to set a young gentleman right where he is wrong in his rhetorical exercises. But will it not be more serviceable, nay more pleasing, for him to correct the compositions of another?

For

For every man chuses to have another person found fault with rather than himself. I could enlarge greatly upon this subject, did I not think the truth of my observations self-evident, and I wish they were put in practice with as much pleasure, as they may with profit. Could I succeed in this, I should find no great difficulty in determining the question, what authors a young gentleman is first to read.

CHAP. VI.

CONCERNING THE AUTHORS THAT ARE TO BE FIRST READ BY A STUDENT.

That he is to begin with reading the best Authors.—A Caution against his too implicitly following either the Ancients or the Moderns.

Some have recommended those of the least eminency, because they seem easiest to be understood. Some have recommended authors of a more ornamented kind, as being best adapted to inform the dawning genius. For my part, I am of opinion that they ought to begin with, and continue in reading, the very best authors, and out of them I would have them chuse the most intelligible and the most explicit. Thus, I recommend Livy, rather than Sallust, to a boy: the former is more copious, though a student before he can understand him, must make some progress in learning. Cicero, in my opinion, will both please and inform the young beginner; for as Livy observes, in proportion as the student resembles Cicero, he will receive delight, as well as benefit from his works.

There are, in my opinion, two manners, which, in education, ought to be chiefly guarded against. The first is, that a master be not so great an admirer of antiquity

antiquity as to bring a young gentleman to contract a habit of imitating the stile of the Gracchi, Cato, and other old authors. For his compositions, thereby, must become uncouth and unpleasing. For being yet incapable to judge of their energy, he will form himself upon their style, which, though in their days, it doubtless was very beautiful, is disagreeable in ours, and, what is worst of all, they will fancy that they resemble those great men, though they do it only in their defects.

Another, and an opposite extreme is to be guarded against; for a master ought to take care lest his scholars, captivated by the flourishes of modern affectation, be enticed into so bad a taste as to become fond of that luscious manner, which, the more puerile it is, is the more agreeable to the capacities of boys. After, however, a young gentleman's taste is formed, and when there is no danger of its being debauched, I advise him to read both the ancients and the moderns; if he borrows from the former, manliness of sentiment, and solidity of understanding, but cleared from the rust of those rude times, they will appear to much more advantage in our modern dress; for the moderns too have great merits. Nature has not curst us with any dullness of apprehension, but we have deviated from the ancient manner of expression, and indulged ourselves too much in softness and smoothness so that we fall short of the ancients, not so much in genius as in manner. There is great variety of beauty for our choice, but we are to take care that it be not contaminated by being mixed with what is otherwise. I am, however, ready not only to acknowledge, but to maintain, that not only former ages, but the present, have furnished us with writers, who may serve as perfect models of imitation in every part of their compositions. But few there are who who can point those

those writers out. It is safer for a young gentleman to imitate the ancients, even though he should do it injudiciously; for I am against his beginning with the moderns, lest before he knows their beauties, he should imitate their defects.

CHAP. VII.

THAT BOYS ARE TO LEARN BY HEART SELECT PASSAGES FROM ORATORS AND HISTORIANS, BUT SELDOM ANY THING OF THEIR OWN COMPOSING.

Upon this head there has been a difference in the practice of professors. Some of them, after setting their pupils a subject, to which they were to speak, not only instructed them in the manner of dividing it, but proceeded to cloath it in proper expressions, and to handle it not only problematically, but pathetically. Others, after drawing the first outlines of a subject, afterwards handled those parts of it, which each scholar had omitted, and touched some topics with as masterly a hand as if they had been to exhibit them to the public as their own.

As both those manners are improving, I am not, therefore, for separating the one from the other. But, if we were confined to follow one of them only, I think it is more instructive for pupils to be put in the right road at first, than to be brought back after they have gone astray. In the first place, because they do no more than barely attend to the corrections made in their pieces; but when they are, at first, instructed in the proper manner of dividing them, they know better how to execute, as well as how to judge. In the next place, a young gentleman bears better with instruction than with reproof. In our present method of education, some are so quick and so touchy, as to disdain admonition, and to conceive a secret

a secret aversion to it. Not that, for this reason, they are not to be roundly told of their faults, for the master is to have a regard for the rest of his scholars, who presume that every passage is faultless, that is not corrected by him. Now I am for mixing both methods of instruction, and applying them as occasion shall serve. To young beginners, I am for giving a slight sketch of a theme, suited to their different capacities. After they have sufficienly employed themselves upon this exercise, I am for marking out certain lines which they are to follow; and by which they shall be enabled, by the strength of their own genius, to make a farther progress, without any other assistance. For it is proper sometimes to leave them to themselves, lest, by contracting a bad habit of always following the composition of another, they make no attempts or efforts of their own. Now, if they appear to be tolerable judges of what is proper to be said, the master is almost at the end of his labour; but should they still continue to mistake, he must set them right. We observe somewhat of the same kind in birds, who feed their unfledged young ones with nourishment from their own bills; but no sooner are they feathered, than they show them by degrees how to leave their nests, and to flutter round their habitation; but when they are full grown in strength, they leave them to trust to their own abilities, and to range through the open regions of the air.

CHAP. VIII.

THAT BOYS ARE TO LEARN BY HEART SELECT PASSAGES FROM ORATORS AND HISTORIANS, BUT SELDOM ANY THING OF THEIR OWN COMPOSING.

I AM entirely for discontinuing the custom which obliges boys of the age I now treat of to get by heart

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plause which is the chief object of their ambition. But this ought to be suffered only when they have composed somewhat that is polished and correct, for then they will look upon their delivering it to be a reward for their study, which they will take a pride for having deserved.

CHAP. IX.

THAT EVERY YOUNG GENTLEMAN OUGHT TO BE INSTRUCTED ACCORDING TO THE BENT OF HIS GENIUS.

It has generally and deservedly been accounted a great merit in a master to observe the different capacities and dispositions of his pupils, and to know what nature has chiefly fitted them for. For in this respect, the variety is so incredible, that we meet with as many different kinds of capacities as of persons. To prove this, we need only to observe the difference amongst orators themselves, which is so great, that not one of them is like another, so much do they all vary from one another in their manner of speaking; though a great many have, at the same time, applied to some favourite master or other. Most teachers think that the proper way to educate a youth, is to cherish, by instruction, the peculiar talents which nature has given him, and to assist his progress in that walk into which his genius leads him. Thus, one who understands the exercises, when he comes into an academy filled with young gentlemen, after trying every one's abilities both of body and mind, can pronounce what exercise each is fit for. In like manner, a master of eloquence, after a sagacious inspection, can pronounce that such a boy's genius leads him to a close, polished manner of speaking; and others, to a keen, a weighty

a weighty, a smooth, a sharp, a bright, or a witty manner. He will then so adapt himself to every one, as to improve each in that manner for which nature has chiefly fitted him. For nature may be greatly assisted by art; and a young gentleman who set upon a study that is disagreeable to his genius, can never make any considerable advance in that study, and by abandoning the path chalked out by nature, he will make a poorer figure in those studies for which she has designed him. But, as my maxim is to follow reason and experience, preferably to all opinions, however universally established, I must declare that I think this is only true in part. It is indeed absolutely necessary to consult a young gentleman's genius, and to encourage him to strike into that walk of learning for which nature has fitted him. One young gentleman may be fit for the study of history, another for poetry, another for the law, and some perhaps may be fit only to follow the plough. The professor of rhetoric will be as curious in examining all this, as a master of an academy of exercises is in examining what pupil is fit for racing, what for boxing, what for restling, or for any of the other exercises practised at the Olympic or other sacred games. But the youth who is designed for the forum, is not to apply himself to one part only, but to all branches of the art, however difficult the study of them may be; for if nature is sufficient for all this, there can be no manner of occasion for application.

Supposing a young gentleman's genius to be vitiated, as is often the case, that he indulges too turgid and swelling a vein of writing, are we to suffer him to persevere in this; or when it is emaciated and naked, are we not to nourish it, and, as it were, to cloath it? If it is necessary that something should be lopped away from some kinds of genius, is it

antiquity as to bring a young gentleman to contract a habit of imitating the stile of the Gracchi, Cato, and other old authors. For his compositions, thereby, must become uncouth and unpleasing. For being yet incapable to judge of their energy, he will form himself upon their style, which, though in their days, it doubtless was very beautiful, is disagreeable in ours, and, what is worst of all, they will fancy that they resemble those great men, though they do it only in their defects.

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CHAP. VII.

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Upon this head there has been a difference in the practice of professors. Some of them, after setting their pupils a subject, to which they were to speak, not only instructed them in the manner of dividing it, but proceeded to cloath it in proper expressions, and to handle it not only problematically, but pathetically. Others, after drawing the first outlines of a subject, afterwards handled those parts of it, which each scholar had omitted, and touched some topics with as masterly a hand as if they had been to exhibit them to the public as their own.

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will be pleased, and each will vie with the other, who shall be the most dear to the master. As the one thinks it his duty to instruct, so the others will thinks it theirs to improve, and that they are of mutual service to each other. Thus as the two sexes are necessary to the formation of a man, and as the ground receives the seed in vain, unless it is duly prepared by culture; so eloquence never can have its effects but by a perfect harmony between the master and the scholar.

CHAP. XI.

THAT THE IMAGINARY SUBJECTS, UPON WHICH YOUNG GENTLEMEN SPEAK, SHOULD, AS MUCH AS POSSIBLE, RESEMBLE THE CAUSES THAT ACTUALLY HAPPEN IN COURTS OF JUSTICE.

THE exercises I have now recommended are far from being inconsiderable, nay, they are constituent parts of more important studies; and a pupil who is well instructed and sufficiently exercised in them, is now almost in a condition to enter upon the deliberative and the judicial parts of pleading. but before I touch upon this subject, I must premise somewhat concerning the method of speaking upon imaginary subjects; a practice, though, of the most modern invention, yet by far of the greatest service, in rhetoric; for it is a practice that comprehends all the different exercises which I have been recommending, and presents us with the most lively resemblance of truth. It is, therefore, so much cultivated, that many think it, of itself, sufficient to form a complete orator. For an uninterrupted speech requires no power of eloquence, that does not fall in with those compositions of supposititious pleadings. It is true, this practice has so degenerated through the

the fault of professors, that the wildness and ignorance of those who speak in this manner will be the chief means of ruining eloquence. But there is a right use to be made of every thing that nature has meant for our good. The imaginary subjects therefore that are given, should, as much as possible, resemble truth; and the pupil, in speaking to them, should form himself all he can to the manner of a real pleader, upon a similar subject. As to cases of magic,* of desolation by pestilence, of oracular responses, of step-dames more unnatural than poets can make them, and a hundred other subjects still more improbable than these, we never find any such in the course of pleading, or the practice of the bar.

Then, it may be said, are we never to suffer young gentlemen to speak upon such extraordinary subjects? Are they never to handle, what we may call, a poetical theme, in order to give a loose to their genius, to sport with their imagination, and to form it, as it were, into reality?† I think it were

* Magic.] Our author's observation here is extremely just, and it has been verified in all periods, that immediately preceded a degeneracy of true taste. The marvellous takes place of the natural, and the romantic of the probable. Seneca, with all his wit and elegance, had, before our author's time, frittered away the native graces of the Latin style. True composition, either in speaking or writing, after that began to be disused, and a false taste for quick, smart sentences, grew in vogue, which not being supported by strength of sentiment, and justness of expression, in a few years introduced strained metaphors, false allusions, and a thousand other deformities of style. In consequence of this taste, the schools of eloquence were over-run with unnatural, improbable subjects, such as those mentioned here by our author, with a very just indignation, and the depravity of the public taste increased so much after his death, that declamations upon some of the subjects he here ridicules, are actually now extant under his name.

† Orig. Quasi in corpus eant.] Commentators tell us, this expression signifies, that they may grow at. But there is somewhat indelicate in the image, and I think the sense I have given the expression is better adapted both to our author's words and meaning.

education of an orator is my professed purpose in this work, yet I will transiently touch upon every thing which properly relates to teaching, that they who are studious, may, in no respect, be at a loss for information.

CHAP. XII.

A REFUTATION OF THOSE WHO THINK THAT ELOQUENCE STANDS IN NO NEED OF RULES.

I AM now to enter upon that part of the art, at which they who admit of what I have already laid down generally begin. It is true, in my very entrance, I meet with an opposition from those who think that eloquence has no manner of occasion for such rules. Nay, satisfied with the strength of their own genius, with the common method, and the practice of the schools, they laugh at my exactness. Even some professors of reputation are of the same opinion; for one of them, if I mistake not, being asked what the difference was between a figure and a sentiment, answered, really that he did not know, but if the thing was of any importance, it might be found in his declamation. * Another being asked, whether he used the Theoderean or Apollodorean manner, his answer was, I use my fists, sir. This, it must be acknowledged, was the handsomest evasion he could find for his ignorance. Some, besides, who are happy and eminent through their genius, and have given noble proofs of their

* Another.] Orig. Alias percontanti, Theodoreus, an Apollodoreus esset; Ego, inquit, Parmularius sum. The reader is to observe that Theodorus and Apollodorus were famous professors of rhetoric, and the Parmularii were prize-fighters.

abilities

a weighty, a smooth, a sharp, a bright, or a witty manner. He will then so adapt himself to every one, as to improve each in that manner for which nature has chiefly fitted him. For nature may be greatly assisted by art; and a young gentleman who set upon a study that is disagreeable to his genius, can never make any considerable advance in that study, and by abandoning the path chalked out by nature, he will make a poorer figure in those studies for which she has designed him. But, as my maxim is to follow reason and experience, preferably to all opinions, however universally established, I must declare that I think this is only true in part. It is indeed absolutely necessary to consult a young gentleman's genius, and to encourage him to strike into that walk of learning for which nature has fitted him. One young gentleman may be fit for the study of history, another for poetry, another for the law, and some perhaps may be fit only to follow the plough. The professor of rhetoric will be as curious in examining all this, as a master of an academy of exercises is in examining what pupil is fit for racing, what for boxing, what for restling, or for any of the other exercises practised at the Olympic or other sacred games. But the youth who is designed for the forum, is not to apply himself to one part only, but to all branches of the art, however difficult the study of them may be; for if nature is sufficient for all this, there can be no manner of occasion for application.

Supposing a young gentleman's genius to be vitiated, as is often the case, that he indulges too turgid and swelling a vein of writing, are we to suffer him to persevere in this; or when it is emaciated and naked, are we not to nourish it, and, as it were, to cloath it? If it is necessary that something should be lopped away from some kinds of genius, is it

ent things, but have we not known barbarians and slaves do the same? And if that is sufficient, there is no art in eloquence.

CHAP. XIII.

AN ENQUIRY, WHY THEY WHO HAVE HAD THE LEAST EDUCATION, ARE GENERALLY SUPPOSED TO HAVE THE MOST GENIUS.

I READILY acknowledge it to be a general opinion, that the uninstructed seem to speak with most force. But, in the first place, this proceeds from a mistaken notion, that the more artless a thing is, it is the more forcible; that is, it is a greater proof of strength to beat down a door, than to open it; to break a knot than to unloose it; to drag a creature, than to lead it along. In like manner, they esteem a gladiator the bravest, and a boxer the hardiest, when the former, without any guard, rushes upon his antagonist, and the latter, with the full sway of his body, flings himself out to fasten upon his enemy; though in fact, the one is often laid sprawling upon the ground through his own fury, and the violent attack of the other parried by a very slight motion in his adversary's wrist.

But, in this respect, the unskilful are imposed upon by certain appearances. For the vast advantages that method gives to pleading, diminishes the show of genius. What is rude seems most bulky; and parts, when scattered, appear more numerous than when put in order. There is, besides, a strong resemblance between certain vices and virtues; railing is mistaking for freedom of speech, rashness for courage, and profusion for generosity. Now, an ignorant pleader is the most liberal of railing, and most frequent in the exercise of it, generally

generally to the great danger of his client and himself. This practice likewise brings a pleader into request, because people are generally fond to hear those things that they would not say themselves.

Such a pleader is likewise less cautious in shunning, and more desperate in tempting the dangers that lie in framing the very expression of his speech. Thence it sometimes happens that the man who is always grasping after what is too much, catches somewhat what is great. But this seldom happens, and when it does, it does not counterbalance other blemishes.

For alike reason, the irregular pleader seems to have the greatest flow of words, because he pours forth all he knows, whereas the regular both chuses and arranges his expressions.

Add to this, that the irregular pleader generally rambles from his main subject. By this means he shuns all those puzzling questions and argumentations, which bad judges of eloquence think so tiresome; while all his aim is to tickle the ears of the hearers with false pleasure.

We are likewise to observe, that the detached sentiments irregulars happen to throw out, are the more striking by their standing in the midst of every thing that is mean and sordid. Thus as* Cicero says, a light appears less bright, when surrounded with shades, than by utter darkness.

The world may ascribe to such pleaders what degree of merit it pleases; but still a man of true eloquence would think it an affront to be complimented upon such excellencies.

It must, however, be confessed that we lose somewhat by study, as the stone does by its polish, the

* Cicero. I do not recollect the very words of the original here to be in Cicero, but the reader may consult the 25th and 26th chapters of his third book De Oratore

knife

knife by the grindstone, and wine by its age. But like them, we only lose our disagreeable qualities; and the genius which literature has polished can be said to be diminished in no other sense than as it is improved.

Irregular pleaders make the strongest push at fame in eloquence, by the peculiarity of their pronunciation. They are for ever upon the road, they ply the action, as they call it, of the hand, they bellow, they strut, they pant, they swagger, they twist their bodies and nod their pates, like so many madmen. Sometimes we see them clap their hands, stamp upon the ground, strike their thigh, their breast, their forehead, and all this succeeds wonderfully well with a vulgar audience. Mean time, the man that has been regularly trained to eloquence, while he knows how to temper, to vary, to arrange the principal parts of his discourse, knows at the same time, how to suit his colouring to his action, to give every expression its proper emphasis, and if he studies any character with particular attention, it is that of being modest, both in reality and appearance.

Such people as I have been speaking of mistake rudeness for strength; and we not only see declaimers, but what is still more scandalous, some professors, who after a short practice in speaking, fling up all method, and lay about them with fire and fury, just as the fit takes them; bestowing upon those who have more regard for learning the terms of impertinent, lifeless, and spiritless, and drivelling, and every other reproachful epithet they can think of.

Well, let me compliment those gentlemen who thus without toil, without reflection, and without study, become eloquent, yet I cannot help congratulating myself, in having satisfied, though not satiated, the public, and thereby having long obtained an honourable respite from my labours, both of teaching

teaching in the school, and pleading in the forum: Nor can I reflect without pleasure, that in this my retirement, I am employed in examining and composing, for well-disposed young gentlemen, such treatises as, I hope, will be as useful to them, as they are delightful to me.

CHAP. XIV.

OF METHOD IN THE ART OF ELOQUENCE.

That an Orator is not to consider the Rules of Rhetoric as unalterable Laws.—That he ought to consider what is most becoming, and most agreeable.

Now, I am not to be called upon for such a system of rules as are laid down by the writers upon most arts; or that I should compile a body of unchangeable laws, to which a student is necessarily to be tied down; that I should settle the precise length and quality of an introduction; that I should then go into the state of the facts, and invariably settle that matter. Next the proposition or as some affect to call it, the excursion, then a stated order of examination, and all other circumstances; which some observe, as if upon compulsion, and as if it was treason to do otherwise. Now rhetoric would be a very easy and inconsiderable matter, could it be contained in one, and that a short, rule. But most pleadings must be varied, as their causes, conjunctures, occasions, and relations require. Contrivance, therefore, is a main consideration with an orator, because he must suit himself to different situations, according as his subject is circumstanced.

To do otherwise would be equally absurd, as if we were to order a commander in chief, in forming his line

line of battle, always to draw up his front in one manner, to extend his wings in another, and never to flank his army, but with cavalry. Such a manner may, in general, be extremely right where it is practicable, but he may be obliged, by the nature of his ground, to alter his disposition; supposing, for instance, a mountain should interpose, or a river run between, or that he is streightened by hills, by woods, or by some unevenness of ground. The nature of his enemies, the circumstances under which he is to fight, may change his order of battle. Sometimes he may be obliged to employ an extended line, sometimes a column, sometimes his auxiliaries, and sometimes his own troops; nay, it may sometimes be of service to pretend to fly, and acutually to fall into a rout. In like manner, nothing but the nature of the cause can direct us whether a preamble is necessary or needless; whether it ought to be long or short; whether the whole stress of the discourse ought to be addressed to the judge, or whether it may not be necessary to call in a figure, so as to apply indirectly to another; whether the state of the case ought to be concise or copious, uninterrupted or digressive, in the natural, or in any other order? The same case holds with regard to matters that ought to be examined; when it often happens that, in the same cause, one party may find it his advantage to examine one witness first, and another another; for the rules of rhetoric are not so sacred as acts of the senate or constitution, that are irrepealable, for they ought to be used as discretion and utility requires. I am, however, persuaded that in general they are of service; were they not, I should have no business to write; but should we be obliged, by that utility, to deviate from general principles, it ought to direct us, without our having any regard to the opinions of professors.

Again

Again I recommend, again enjoin, to use Virgil's expression, one capital rule, that in every pleading an orator is to regard two things; what is becoming, and what is proper. Now it is proper to make frequent deviations from the rules generally enjoined and laid down, and the same practice may be at the same time becoming. Thus we see statues and pictures differ from one another in dresses, faces, and attitudes. Bodies that are drawn bolt upright, have in them very little gracefulness. The full face, the hanging arms, the ancles touching one another, and the whole body stiff from top to toe, look listless. The gentle bend, or what we may call, the sway of the body, gives action and animation to a figure. For this reason, in painting or sculpture, the hands are formed to different actions, and the face admits of infinite variety. Some figures are formed running or rushing forward; some sitting, some lying, some naked, and others covered, and some partake of both manners. What can be more dreadfully convulsed, and at the same time critically elaborate than Myron's* Quoit-Tosser? But was any one to condemn that figure as being off of its upright, would he not betray gross ignorance of the art, the chief merit of which consists in the novelty and the difficulty with which the figure is executed? The same kind of charm and grace runs through the figures of rhetoric; which sometimes consist in the sentiment, sometimes in the expression. For they bend somewhat from off their upright, and they have thereby the merit of deviating from the general practice.

The face communicates an air to the whole picture. Yet Apelles drew Antigonus presenting his side-face only to the beholder, in order to conceal his deformity in being without one of his eyes. Thus,

* Myron's Quoit-Tosser.] He was a famous statuary, and this very piece is taken notice of by Pliny.

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in speaking, are we not to throw a veil over some things which cannot be explained with propriety, or expressed with dignity. Timanthes, the Cithnian, if I mistake not, observed this manner in the piece by which he conquered Colotes, the Teian. The subject of it being the sacrifice of Iphigenia, he drew Calchas pensive, Ulysses sorrowing, and Menelaus in as deep an agony as he could express. Having then exhausted his whole powers of execution, he found that it would be impossible for him properly to represent the passions in the father's face, and therefore he threw a veil over it, and left them to the imagination of the beholder. Has not Sallust obseved the same conduct when he says, For I think it more proper to say nothing at all concerning Carthage, than not to say enough?

For the same reason it has always been my custom to tie myself down, as little as possible, to universal inflexible rules, which the Greeks call κανόνα. It seldom happens that such rules may not sometimes be attacked on a weak side, nay, quite overthrown. But of this I shall say more hereafter, when proper opportunities present. Meanwhile, I would not have young gentlemen think that they are sufficiently instructed in this art, if they have got by heart one of the little books of rhetoric that are generally handed about, and imagine themselves as safe with them, as if they were fortified with the very bulwarks of eloquence. The art of speaking well requires close application, extensive practice, repeated trials, deep sagacity, and a ready invention. Rules, however, may assist it, provided they point out the direct road, without confining the learner to a single track, from which, should any one think it unlawful to depart, he must be contented to make as leisurely a progress as a dancer does upon a slack rope. For this reason we often, for a nearer cut, strike off from the high road, which perhaps has been

s of rhetoric, which, by the bye, he himself ıot much approve of, he makes persuasion to be ıe end of eloquence."

ow persuasion may lie in money, in favour, in ıuthority or dignity of a speaker; in short, very aspect, without speaking at all, when it ts us with the memory of past services, when it es us with the show either of misery or beauty, cisive. For when Antonius defended Marcus ilius, tearing open his robe, he shewed the scars ıose wounds which he had received upon his m, in defence of his country, and in so doing id not trust to the force of his eloquence, so h as to the power which he knew that such a t would have over the minds of the Roman peo- which was so great, that it is believed the cri- ıl was thereby acquitted. We have several his- al proofs, besides the oration of Cato, that Ser- Galba* escaped through mere compassion, by not

Sergius Galba.] It might perhaps be no unuseful work, could ıture of my design admit of it, to accompany the whole of translation with similar passages from English eloquence, ı was very high in the reign of Charles I. When I say this, ık only of parliamentary eloquence, for I think that neither ır nor the pulpit afford us, in the English language, very specimens of eloquence in that sense in which Cicero and ctilian understand it. Meanwhile, this acknowledgment he greatest compliment that possibly can be paid, to the un- ınding of the English nation, as they will not suffer either religion or their laws to be recommended by any other beauty heir native truth and justice. But parliamentary speaking of sort, is of the deliberative kind, and therefore it fairly admits the embellishments suggested by our author, because a su- ; tribunal is supposed to be under no direction in its delibera- from any written law, as is the case with divines and law-

We see the same observation hold good with regard to the ıians, who in some instances, particularly after the case of ıe here mentioned, made it penal to introduce any of the ful embellishments of speech into judiciary pleadings; and indeed

not only producing his own little children before the assembly of the people, but by carrying about in his arms the son of Gallus Sulpicius. And it is generally agreed that Phryne was acquitted upon a capital impeachment, not by the eloquence of Hyperides, however wonderful it was, but through the beauty of her own figure, which he exposed to the view of the judges, by tearing the robe from her bosom. If all such circumstances, therefore, are persuasive, the definition we have mentioned is improper for hetoric.

They are, therefore, more consistent with themselves, who, though they are of the same opinion upon the main, think rhetoric to be the force of persuasion by speaking. This is the definition which Gorgius, in the treatise I have already mentioned, is forced by Socrates to asisgn it. Theodectes is pretty much of the same opinion, though it is uncertain whether the work that goes under his name, was composed by him, or by Aristotle, but there we indeed few of them entered into the deliberative. The Romans, a more mixed, a less polished, and more uninstructed people, were fond of them upon all occasions.

Meanwhile, I cannot help thinking that many particulars recommended by our author might be introduced with vast propriety and beauty even amongst ourselves. The case here mentioned of Sergius Galba, contains a very bold figure, (if I may so call it) of action in eloquence. But did not the great Lord Strafford, when under the like circumstances with Galba, do almost the very same thing, upon the impeachment brought against him by the commons of England? yet I believe no man ever thought that he over-did his part, or that he carried it into any ridiculous ostentation.

Several of the parliamentary speakers of those days, particularly the Lords Digby and Falkland, have made use of as beautiful, and as bold figures as are to be found in all antiquity; yet we perceive in their speeches nothing that is forced, nothing that is unnatural. This undoubtedly was owing to themselves being the authors of the speeches that go under their names, and which do their memories immortal honour.

re told, that the end of rhetoric is by speaking, to ad men to that purpose which the speaker desires. ut even this definition is not sufficiently compre-ensive, for others, besides an orator, (whores, flat-erers, and seducers, for instance) have the powers of ersuasion by their speech, and of effecting the pur-ose they design. On the other hand, the orator is ot always successful in persuading; nay, this, pro-erly, may not be his purpose, or if it is, it may be a urpose in common with others of professions very ifferent from that of an orator. Apollodorus too is retty much of the same opinion, when he tells us, hat the first and the capital purpose of a judicial peech ought to be, to persuade the judge, and to nduce him to be of that opinion the speaker would have him. But this subjects the merit of an orator to the power of fortune; for it supposes, that if an rator should fail to persuade, he has no right to that appellation. Some writers in their definition of an orator, detach themselves from all considera-tion of the event. Thus Aristotle says, that rhetoric is the power of finding out in a discourse every property of persuasion. Now this definition has not only the fault we have already taken notice of, but another, which is, that it comprehends invention only, which, without expression, is not eloquence. I have already given sufficient answer to Hermago-ras, who defines eloquence to be, the art of speaking persuasively; and to others, who are of the same opinion, but do not make use of the same words; but tell us, that an orator's design ought to be, to say whatever is proper, but that all he says ought to tend to persuade,* I say, I have sufficiently answered

* While I am reading the very serious encomiums which our author makes upon his favourite art, and the prodigious extent of merit and utility he allots to it, I cannot help thinking that the inimitable

all this, when I showed that persuasion was not the sole business of an orator. Various are the other opinions upon this subject. Some think that rhetoric may be introduced into all manner of business; others, that it is only applicable to civil matters, the truth of both which opinions we shall discuss in a proper place. Aristotle seems to have extended the business of an orator to every thing when he says, that eloquence is the power of speaking upon every subject, whatever is most persuasive.* Gorgias in Plato calls himself a professor of persuasion in courts of justice and other assemblies, and one who treats both of what is just and unjust, for Socrates allots to him the profession, not of teaching, but of persuading. Now through the whole of that discourse it appears, that Plato was of opinion that true eloquence could be possessed only by a good and a just man. In his Phedrus he makes it still more plain, that no one can be accomplished in this art, without both the practice and the theory of justice, to which opinion I likewise agree. Could the man who composed the Defence of Socrates, and celebrated the heroes who fell in defence of their country, works that indisputably be

nimitable Cervantes had him in his eye in the celebrated discours which he puts into his hero's mouth in favour of knight-errantry many of the passages are similar, but there is great difference between ridicule and parady, and the latter being all that Cervantes meant, it ought to be considered rather as a compliment, than otherwise, to Quinctilian. Our author's cavils however upon the several definitions of eloquence he mentions, certainly shews too much of the pedant, and Turnebus has very rightly observed, that in this respect he has not acted so fairly as he ought to have done particularly with regard to Hermagoras, from whom he brings a very partial quotation.

* Though I have not taken so great liberties with our author as Monsieur Rollin has done, yet with him I have here omitted some part of my original, because I really think it to be no better than quibbling upon words.

lon

to eloquence, be of another opinion? It is
he lashes those men who have applied their elo-
ce to wicked purposes; nay, Socrates thought
Lysias disparaged him when he composed an
n which he was to pronounce in his own de-
upon his impeachment, though at that time
s a general practice for practitioners at the bar
aw up the speech which a party was to deliver
imself, and thus they eluded the law, which
d one man to speak for another. Plato like-
was of opinion, that they who separate elo-
ce from justice, and prefer what is probable to
is true, ought not to profess the art of eloquence,
e may see in his Phedrus.

rnelius Celsus likewise seems to have been of
pinion I have refuted; his words are, an orator
aims at the semblance of truth. Soon after he
" For it is not conscience but victory that is the
rd of a lawyer." Were that true, he must be
vilest of mankind who would arm wickedness
guilt with this powerful weapon, and lay down
for the practice of villainy. But I leave such
lemen to defend their own opinion.

ow as I have undertaken to form a perfect orator
n, in the first place, I want to be a good man, I
ow to return to those who have entertained more
urable sentiments of this profession. Some have
ed rhetoric and civil polity to be the same.
ro calls it a part of civil polity, which is no
r than wisdom itself; others, amongst whom is
rates, judge it to belong to philosophy. In like
ner, others define rhetoric to be the art of
king well. This definition comprehends, not
the powers, but the morals of an orator, be-
e none but a good man can speak well.

have now touched upon the most remarkable
aitions of eloquence, and such as have been

chiefly disputed. It would indeed, be both impertinent and impossible for me to mark out every definition, since a practice which I think is a bad one, has prevailed amongst the writers upon arts, of never defining a thing in the same terms that others have made use of before. This is a practice I am no way ambitious to follow, for I shall ever be proud to say whatever is right, although it may not be of my own invention. I define, for instance, "rhetoric to be the art of speaking well." For the man who, after finding out the best definition of a thing, hunts after any other, must take up with a worse. If what I have here laid down is admitted, it is easy to see what purpose rhetoric has, as its highest and ultimate end, for every art has an end; and if rhetoric is the art of speaking well, its end and perfection is to speak well.

CHAP. XVII.

WHETHER RHETORIC IS USEFUL?

A Refutation of what is commonly advanced against Eloquence.—Its Praises finely displayed by our Author.

I AM now to enquire whether eloquence is useful. Some vehemently deny that it is, and most ungenerously make use of the beauties of eloquence in impeaching its utility. They tell us, that, by eloquence, the wicked are skreened from punishment, that by its prostitution, the worthy have been condemned, wicked measures have been pursued, sedition and popular tumults have arisen, and wars broke forth, of which mankind still feel the dreadful effects. In short, that eloquence never appears to such advantage as when it is employed by falsehood

› destroy truth. For comic writers have
. Socrates with teaching in what manner to
n unjust cause get the better of a just one,
ın the other hand, Plato tells us that Tisias
rgias professed the same knowledge. To these
d examples from the Greek and Roman his-
ıd give us a detail of those who by the per-
practice of eloquence in public as well as
matters, have disordered and even destroyed
stitution of states. That for this reason she
ven from the government of Lacedæmon, and
her powers were as it were lopped away
ns, where the pleader was forbidden to at-
o move the passions. Now, by the same way
ning, neither generals nor magistrates, nor
ıe, nor wisdom itself, are of any utility. For
ınus,* who so basely violated the rights of
lity, was a general; and the Gracchi, Satur-
ıd the Glauciæ, were magistrates; physicians
poisons in their prescriptions; and they
ve disgraced the name of philosophers, have
und guilty of the most infamous practises.
ɛ to loathe all nourishment, because eating
rings on distempers? Are we never to live in
:, because some have perished by the falling
ıe roof? Ought no sword to be made, be-
t may be employed by a highwayman, as well
dier? Who is so grossly ignorant, as not to
that fire and water, those necessary ser-
f life, nay, to go higher, that the beautiful

nininus.] I take the person meant here to have been
us, who was impeached by Cato for barbariously putting
with his own hand, a Gaulish prince, who sought his
n, and that purely to please an infamous prostitute. Com-
s, however, understand here, Flamininus, who was the
eneral at the battle of Thrasymene, but I think with no

luminaries

luminaries of the sun and moon, have sometimes had their hurtful effects?

But at the same time, can it be denied, that Appius, that brave, blind senator, by the force of his eloquence, broke off a shameful peace, that was ready to be concluded with Pyrrhus? Or that the divine eloquence of Tully was of no service to his country, when he defeated, even the popular scheme of the Agrarian laws? when he quelled the boldness and presumption of Catiline? and when, in a time of peace, a supplication was decreed him, the greatest honour that can be conferred upon victorious generals. Does not eloquence often rouse from despondency into life and spirit, the drooping courage of soldiers, and while they are about to encounter the most dreadful dangers of battle, persuade them that glory is preferable to living? Neither am I more charmed with the example of the Lacedemonians and Athenians, than with that of the Romans, who have always held oratory in the highest honour. For my part, I think it is owing to eloquence, all-powerful eloquence, that the founders of cities have prevailed with dispersed multitudes to form themselves into one incorporate body; nor without exerting the most commanding powers of speech, could legislators have persuaded so lordly a creature as man, to submit to the dominion of law. Nay, moral precepts themselves, fair as nature has formed them, are more prevalent in forming the mind to virtue, when their beauties are recommended and illustrated by the brightness of eloquence. Upon the whole, therefore, though eloquence may be wickedly, as well as virtuously employed, yet it is not just to call that an evil which may be used to a good purpose.

Now, all this, perhaps, will be disputed by those who place the whole of eloquence in the force of persuasion:

persuasion; but if, according to us, it consists in the art of speaking well, and that the first qualification required in an orator, is to be a man of virtue, eloquence must be confessed to be an useful art. And may I perish if God, that all-powerful creator of nature and architect of the world, has impressed man with any character, so proper to distinguish him from other animals, as by the faculties of speech. For we may see mute animals that excel us in size, in strength, in resolution, in perseverance, and in swiftness; and stand less in need than we do, of external acquisitions and helps; because nature, beyond all instructors, teaches them to walk, to feed, and to swim, sooner than we can. She has given most of them a covering to defend their bodies from cold; she has furnished them with arms for their defence, and every field affords them food for nourishment; all which are circumstances that cost man variety of labour. She therefore endued us with reason, as our noblest character, and thereby preferred us to be companions to the immortal Gods. But reason itself must be less availing and effectual to us, could we not with our tongue, express the sentiments of our minds. And this in animals is more wanting than understanding and reflection, which many of them seem to possess in a certain degree, as is plain by their contriving their habitations, building their nests, bringing up their young ones,* till they can go abroad and provide for themselves; nay, by their storing up food for the winter, and producing works which all the art of man cannot

* Orig. Excludere.] The commentators here, as is usual with them, when any thing is dark and doubtful, give us no manner of light as to the meaning of this word; and the Abbe Gedoyn has fairly left it untranslated. I apprehend it to mean, that sagacity which the old ones shew, in excluding the young ones from their nests, when they are big enough to shift for themselves.

luminaries of the sun and moon, have sometimes had their hurtful effects?

But at the same time, can it be denied, that Appius, that brave, blind senator, by the force of his eloquence, broke off a shameful peace, that was ready to be concluded with Pyrrhus? Or that the divine eloquence of Tully was of no service to his country, when he defeated, even the popular scheme of the Agrarian laws? when he quelled the boldness and presumption of Catiline? and when, in a time of peace, a supplication was decreed him, the greatest honour that can be conferred upon victorious generals. Does not eloquence often rouse from despondency into life and spirit, the drooping courage of soldiers, and while they are about to encounter the most dreadful dangers of battle, persuade them that glory is preferable to living? Neither am I more charmed with the example of the Lacedemonians and Athenians, than with that of the Romans, who have always held oratory in the highest honour. For my part, I think it is owing to eloquence, all-powerful eloquence, that the founders of cities have prevailed with dispersed multitudes to form themselves into one incorporate body; nor without exerting the most commanding powers of speech, could legislators have persuaded so lordly a creature as man, to submit to the dominion of law. Nay, moral precepts themselves, fair as nature has formed them, are more prevalent in forming the mind to virtue, when their beauties are recommended and illustrated by the brightness of eloquence. Upon the whole, therefore, though eloquence may be wickedly, as well as virtuously employed, yet it is not just to call that an evil which may be used to a good purpose.

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CHAP. XVIII.

WHETHER RHETORIC IS AN ART?

A Refutation of the Negative.—Rhetoric proved to be an Art.

We are next to examine, whether rhetoric is an art? Nobody could imagine that this would be a question with those who have laid down rules for eloquence, since the very books are intituled, Treatises concerning the Art of Rhetoric Cicero likewise says that rhetoric is no other than artificial eloquence. This is an excellency that not only orators have asserted to be peculiar to themselves, in order to give a better grace to their art, but even philosophers, Stoics, and most of the Peripatetics, agree with them. For my own part, I am in some doubt whether I ought to treat upon this matter in this light. For is there a man so void, I would not say of erudition, but of the knowledge of the world, as not to know that building, weaving, and the making of vessels out of clay, is an art? And can he imagine that rhetoric, the most sublime, the most beautiful perfection that exists, was brought, without an art, to the degree of excellency it now has? For my part, I am inclined to believe that they who have maintained this absurdity, did not really speak as they thought, but to display their own abilities, by engaging in a matter of such difficulty. Thus, for instance, Polycrates undertook to praise Busiris and Clytemnestra; which was pretty consistent with the other part of his conduct, if it is true that he composed an oration against Socrates.

Some people are of opinion that eloquence is natural; but they acknowledge, at the same time, that it may be assisted by art. Thus Antonius, one

of

not imitate, such as wax and honey. But though they can do all this, as they want the power of speech, they are deemed to be mute and irrational. To conclude, when nature has denied expression to man, how little, how very little, do all his boasted divine qualities of mind avail him!

If therefore we have received from heaven nothing more precious than speech, are we to esteem any thing more worthy of our attention and care? Or are we to be more emulous in excelling mankind in any property, rather than in that which exalts man above all other animals? As a farther inducement to that, we are to reflect, that no art so plentifully repays our labour, by a harvest of every thing that is profitable or agreeable. This will be the more evident, if we reflect upon the rise and progress of eloquence, and the improvements it still admits of. Not to mention, how it serves our friends, how it directs the deliberations of a senate or a people, and how it even determines the conduct of an army; how useful, how becoming then, is it in a man of virtue! Is not this single consideration a most glorious one, that from the understanding, and the words that are in common to all mankind, he can exalt himself to such a pitch of glory and power, that he will not seem to speak or to plead, but as it happened to Pericles, to lighten and to thunder. But I never should have done, were I to indulge the pleasure I feel in expatiating upon this subject.

CHAP.

medicine out of the number of arts, because it has found out by the observation of things that are salutary or hurtful to health, and, as some are pleased to say, the whole of it consists in experience. For, before ever medicine was formed into an art, some one or other had bound up a wound and had allayed the force of a fever, not from any principles of the profession of medicine, but because they were directed to it by the nature of the disease itself. In like manner, we may deny architecture to be an art, because, in early ages, they built cottages without art.

We may say the same of music, because every nation in the world has singing and dancing after its own fashion. If any kind of speaking should be defined to be rhetoric, I should readily admit it to have existed before art. But, if every man who speaks is not an orator, and if, in those early times, men did not speak as orators, it must necessarily follow that an orator is formed by art, and did not exist before art.

This is a full answer to those who say, that, when a man does a thing that he has not learned to do what he does, does not belong to art. Now men have been known to plead without being taught. To strengthen their reasoning, they bring the examples of Demades the waterman, and Æschines the stage-player, who, both of them, were orators. But this is nothing to the purpose; for a man, who has not been taught, cannot be called an orator; and nobody will venture to say that these two persons did not study, though late, yet, better than never. As to Æschines, his father, who was himself a schoolmaster, gave him an early tincture of literature. Neither is it certain, that Demades never studied; and a continual practice of public speaking might have given him all the powers of eloquence, which he afterwards possessed: for practice is the most powerful

powerful part of study. Be that as it will, I will venture to say, that study either did contribute, or would have greatly done so to his eloquence; and I am to observe, that he never ventured to put his orations in writing, so that we know not that his merits were very extraordinary in eloquence.

Aristotle, in his Gryllus, in his usual way of examining, has given us some fine-spun arguments upon this head. But we are to reflect, at the same time, that he has wrote three books concerning the art of rhetoric; in the first of which, he not only acknowledges it to be an art, but assigns to it some part of civil policy, as he does to logic. Critolaus, and Athenodorus the Rhodian, has wrote a great deal to contradict what I advance here. One Agrion, in a treatise purposely wrote against rhetoric, has, by the very title of his book, forfeited all our regard for the author. As to Epicurus, I am not at all surprised at him, because, by his principles, he was a professed enemy to all systems. These authors have said a great deal, but what they have said is reducible to very little. I shall, therefore, in order to prevent an endless discussion, give a very short answer to their most material arguments.

The first of them arises from the object. All arts, say they, have an object; That I do not deny: But, continue they, Rhetoric has no object that is peculiar to itself; that I will take upon me to prove to be a mistake.

Their next argument consists in a downright false charge. They tell us, "That art admits of no false conclusions, because it must be founded upon a principle, which principle must be invariably true; but that rhetoric admits of false conclusions, therefore it is no art." Now, I allow that sometimes rhetoric advances what is false for what is true; but I do

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of eloquence. But the merit of my orator, and the art I have defined, does not consist in the event. Victory is, indeed, the purpose of his speaking; but, though he may not gain the victory, yet when he speaks well, he answers every purpose of his art. A pilot wants to guide his ship safe into the harbour, but should it be beaten off by stress of weather, his merit is not the less as a pilot; I stuck, he may say, by my tackling I could do no more. A physician wants to cure his patient, but if, while he is proceeding upon the best principles of his art, the force of the disease, the unruliness of the patient, or some other accident shall disappoint him, yet still he does not wander from the purpose of medicine. In like manner, an orator's purpose is to speak well; for, as I shall show more clearly afterwards, this is an art which consists in its conduct, and not in its event. By that, I shall likewise show the common saying to be false, that arts know when they have attained to their purpose, but that rhetoric does not know; for every orator knows when he has spoken well.

Rhetoric is likewise charged with employing principles that, within themselves, are false and faulty, which is inconsistent with all art, "because, continue they, an orator advances what is false, and directs his speech to move the passions." Now when this is done with a virtuous design, it cannot be criminal, and therefore it is not faulty. For even a wise man may sometimes tell an untruth, and a speaker is obliged to apply to the passions, if the judge cannot otherwise be induced to favour the equitable side of a question. People of no penetration may sit as judges, and it is often necessary to impose upon them in order to prevent their deciding wrongfully. For were none but wise men to judge, to hear, and to resolve; was hatred, was favour, was prepossession

sion, was false evidence to have no influence, there would be little, very little, room for eloquence, and all the business of an orator would be to tickle the ear. But if the dispositions of an audience are wavering, if truth is liable to a thousand injuries, he must fight with art, and employ those weapons that can best serve his cause; for there is no setting a person right after he has wandered from the direct road, without making him face about another way.

Another cause of carping against rhetoric is, because orators speak on both sides of the question, from which its enemies conclude thus: no art can be contradictory to itself; and rhetoric is contradictory to itself. That no art destroys what it has effected. But that this is the peculiar business of rhetoric. Again, it teaches either what we ought to say, or what we ought not to say. If it does not teach what we ought to say, it is no art, neither is it an art, if it teaches how to contradict that. Now, all this is applicable only to that species of rhetoric which is inconsistent with the practice of a good man, and of virtue herself. For rhetoric never patronizes the cause of injustice, and it is therefore a very rare, and a very wonderful case, where two orators, that is to say, two good men, are employed upon different sides of the same question. Yet, because, it is even possible for two wise men to speak in direct opposition to one another, and yet both of them think that they have justice on their side, nay, would their profession admit of it, they would come to blows, I shall give an answer to all that has been advanced, so as to make it appear that such arguments are not applicable even to the man of bad principles, who assumes to himself the title of an orator. For rhetoric does not contradict itself; one cause is measured * with an-

* Orig. (Causa enim cum causa, non illa secum ipsa componitur) This is a metaphor taken from the custom of gladiators measuring their weapons with one another, before they entered upon action.

other

other, but eloquence never destroys her own powers. Supposing that two coming from the same school should oppose one another, is there no such thing as an art which both of them have learned? We may as well say there is no such art as that of fighting, because two gladiators bred under the same master, are often matched together; that there is no such art as steering a vessel, because in sea engagements one steersman acts against another; nor of war, because one general often fights against another.

Thus, it is certain, that rhetoric does not destroy its own effects, for an orator does not destroy the argument which he himself has laid down, neither does rhetoric; for whether, as some think, the end of rhetoric be to persuade, or if, as as I have before observed, fortune should match one man of virtue against another, yet still, their object of dispute is about what is likest to truth. Now one thing may be more credible than another, yet still that is not contrary to the credibility that is in the latter. For as there is nothing contradictory in saying that one thing is whiter than another, or one thing sweeter than another, so one thing may be more probable than another. The art of rhetoric never teaches what we ought not to say, nor any thing contradictory to what we ought to say; but it instructs us after what manner to speak in every cause we may take in hand. Neither, (though it very seldom happens otherwise) is the cause of truth always to be maintained; for public utility sometimes requires an untruth to be defended.

Cicero, in his second book concerning an orator lays it down by way of contradiction, "That nothing comes within an art but things that are known, but the whole business of an orator consists not in knowledge, but opinion. For when we are in a court we speak what the judges don't know

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As to what the judge knows of a cause,
ing to our purpose; I am therefore to ex-
hether nothing comes within an art but
t are known. Now rhetoric is the art of
well, and an orator knows how to speak
he may not know whether what he says is
lo more do they who tell us that fire or
the four elements, or indiscerpible atoms,
to this creation: No more do they who cal-
: distances of stars and give us the men-
f celestial and terrestrial bodies, yet each
ystem an art. Now if reason tells us the
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ing well; or whether we strike in with the gener opinion, which tells us, that art consists of rul agreeing and co-operating to the useful purposes life; we have already shewn that rhetoric possess every one of those properties. Shall we add, tha like other arts, she consists of theory and practice If logic is an art, as it is generally admitted to b rhetoric must be one too, since they differ from on another in their appearances more than in their na tures. Neither are we to forget that an art mus be allowed to that profession, in which one man pro ceeds by rules, and another by none; and wherei the person who is instructed has more success tha he who is illiterate. Now a learned man will not onl get the better of an unlearned one, in the art of rhe toric, but a learned man must yield to one mor learned than himself; otherwise we should not hav so many rules, nor so many great men to teac them. This ought to be acknowledged by ever one, and especially by me, who never admit any distinction between an eloquent and a virtuou man.

CHAP. XIX.

UNDER WHAT HEAD OF THE ARTS RHETORIC COMES.

Now some arts, however, consist of speculatio that is, examining and calculating matters; astro nomy for instance, which requires no practice, bu is bounded by the knowledge of the subject that i studied. Other arts consist of action, which is bot their end and their perfection; dancing, for in stance, which reserves nothing when action is ove Other arts consist of the effect which the perfectio of a work has upon the eye; such as painting. I ar incline

inclined to think that eloquence is of the second kind; for it is by action that all her virtues are carried into effect, and this seems to be universally allowed.

In my opinion, however, she seems to partake greatly of the other kinds of arts: for sometimes she can wrap up herself in speculation. An orator, even when he holds his peace, is possessed of eloquence; and if either through design or accident, he gives over pleading, yet still he is as much an orator as a physician is a physician, after he ceases to practise. The satisfaction we receive from abstracted studies, is perhaps, of all other satisfactions, the greatest; and the pleasure we receive from learning is then most pure, when it is separated from all action or operation but the contemplation of its own perfection and properties. Rhetoric has somewhat in it of the effective kind, as appears by her written orations and histories, a species of composition that falls under the division of rhetoric.

If, however, she must be ranked under one of the heads of arts I have already mentioned, let us conclude that she is of the active or administrative kind, because her greatest merit and her most frequent practice consists in action, and both those terms are, in effect, the same.

CHAP. XX.

WHETHER ART OR NATURE CONTRIBUTE MOST TO ELOQUENCE.

I AM sensible it has been matter of dispute whether eloquence owes most to genius or to learning: but this is a dispute foreign to my subject, because I lay it down as a maxim, that a complete orator cannot be formed but by both. I think it, however,

ever, of great importance, to state the true question that arises upon this head. For if you suppose a separation between natural and acquired talents, the former will be of great significancy without the latter, but the latter of none without the former. But supposing them to unite in equal but not very considerable proportions in an orator; in that case I think that natural talents will be more beneficial to him than acquired ones. But if we suppose them to unite in the highest proportions, I think that the finished orator will owe more to learning than to nature. In like manner, no art of agriculture can improve the land that is naturally barren, but a fruitful soil will, even without culture, produce somewhat that is for the benefit of mankind. Meanwhile, when culture is added to fertility, it is of more effect than the natural richness of the soil is. I should prefer a block of Parian marble to a statue cut even by the hand of a Praxiteles out of a millstone,* but was the same master to polish that block, it would become more precious through his art, than its own value. In short, nature gives the material which is wrought, but study the art which executes. Art can do nothing without the material, while the material has a value independent of the art; but perfection of art is preferable to richness of material.

* Praxiteles. He was the most famous sculptor amongst the antients, but I am not sure whether our author's judgment here ought to admit of a general application. A great sculptor, or painter, ennobles the rudest material by his work; and in our own country we know of statues cut out of very coarse materials, which are of far more value than the best block of marble that ever was imported from Greece or Italy. The cartoons of Raphael are inestimable, merely by the justness of their design, and their expression of the passions, without regard either to the canvas, or the colouring.

CHAP.

CHAP. XXI.

WHETHER RHETORIC BE A VIRTUE?

A GREATER question now arises, whether rhetoric ought to be ranked with those middling kinds of arts which are neither laudable nor blameable in themselves, but are profitable or pernicious according to the morals of those who exercise them; or whether, with several other philosophers, we are to hold it as a virtue.

For my own part, with regard to the general practice of speaking in public, I see either no art at all, or somewhat that I may call a very pernicious art, for I perceive many speakers rushing headlong on without method, without literature, as impudence or hunger directs them. For I am of opinion, that many have exercised, and some still do exercise, their talents of speaking, to the destruction of mankind. There is likewise what the Greeks call ματαιοτεχνια, or an idle imitation of art, which not having any thing in itself either good or bad, consists of unavailing study, such as the dexterity of the fellow, who without once missing his aim, could at a certain distance throw small pease through the eye of a bodkin, and when Alexander was witness of his dexterity, he is said to have presented him with a bushel of pease, a reward that was very suitable to the merits of the performance. In this rank I place all those who employ great part of their life in studying and toiling at declamations, which they form upon subjects as remote as possibly they can be from any thing that can happen in real life. But true eloquence, such eloquence as I endeavour to bring into practice, such eloquence as I have figured to myself

in

in idea, and such as becomes every worthy man, must appear to be a virtue.

This opinion is supported by philosophers with many quick and pungent arguments, but to me it appears very plain, from an argument very simple in itself, and more peculiarly adapted to our profession. Philosophers tell us, if it is the property of virtue to be consistent with herself in regard to all she does, or omits doing, (which property is termed prudence), the same property prevails with regard to all we speak, and all we do not speak. Now if we know virtues to be such by having dawnings and principles of them within our minds, even before we are taught them; for instance, barbarians and clowns have some idea of justice; then nature has certainly formed us in such a manner as to fit us to plead for virtue, though not to perfection, yet so as to exhibit certain principles of eloquence, as I have observed. Now those arts which are distinct from virtue, are void of this property. Therefore as eloquence consists of two manners, the smooth and the argumentative, the first of which belongs to rhetoric, the other to logic; and (which Zeno thought to be so near of kin to one another, that he compared the one to an open hand, and the other to a clenched fist) there is even some virtue in disputation; and consequently there can be no manner of doubt that there is virtue in the other manner, which is far more beautiful and open.

But this will appear more fully and plainly by facts. For unless an orator knows how to distinguish between what is virtuous and what is wicked, how can he hope to succeed in panegyric? Or in counselling, without knowing the interest of the public; or in judging, without knowing what justice is? Let me go farther; does not the same profession require even fortitude, as an orator has often

occasion

occasion to speak in opposition to the clamour of a turbulent populace, or the power of guilty great men; nay, sometimes, as was Cicero's case when he pleaded for Milo, surrounded with troops of armed soldiers? So that if eloquence is not a virtue, there is no such thing in it as perfection.

Besides, if in every animal that property in which it excels other creatures is to be deemed a virtue, as force in the lion, swiftness in the horse, it is certain that mankind excels all creatures in reason and in speech; why therefore are we not to believe, that his excelling in eloquence as well as in reasoning, is a virtue? Crassus very properly maintains this, for Cicero makes him say, "That eloquence is one of the highest virtues." And Cicero himself, in his own character, when he is writing to Brutus, as well as upon many other occasions, calls eloquence a virtue.

But it may be said, we have known profligate fellows sometimes open their pleadings, state their facts, and inforce their proofs with consummate art and address. But have we not known highwaymen fight with great resolution, without allowing their courage to be a virtue; and yet courage is a virtue. We have known a profligate slave bear the rack, without uttering a groan. But shall we, therefore, deny that there is merit in patiently enduring pain? A great many people do the same; but there is a great difference in their principles of acting. I shall therefore say no more upon this head, because I have before treated of the utility of eloquence.

CHAP

CHAP. XXII.

CONCERNING THE SUBJECT OF ELOQUENCE.

I AM of opinion, and not without authorities to support it, that all matters proposed for an orator to speak upon, are subjects for eloquence For, in Plato, Socrates tells Gorgias that a subject does not consist in words, but in facts; and in his Phædrus, the said author very plainly proves that eloquence may be employed, not only in public trials and assemblies of the people, but in matters of private and domestic concern. From which we are to conclude that to be the real sentiment of Plato himself. And Cicero, in a certain passage, says that the subject of rhetoric consists in whatever she handles; but, at the same time, he restricts the things that she ought to handle to a certain number. In another passage, however, he says, " That the energy of eloquence, and the profession of true oratory, seems to undertake and promise, that an orator should be able to treat every subject that shall fall in his way, elegantly and copiously." In another passage he says; " For as to an orator, all the accidents and occurrences of human life ought to be by him examined, heard, read, discussed, handled, and managed, because human life is the scene of all his action, and the subject of all his eloquence.

As to what I call the matter, that is, the subject, of eloquence, some have extended it to an infinite variety, and others have said that such an infinity does not belong to eloquence; and they call her a vague art, from her running on from one subject to another. I shall have but very little dispute with either

either of those opinions; for while they acknowledge that she handles all kinds of subjects, they affirm that this very multiplicity renders eloquence improper to treat upon them. But multiplicity does not imply infinity of subjects. Other arts, of less moment than that of eloquence, deal in a multiplicity of matters. Architecture, for instance, deals in the knowledge of every thing that is useful for building; and the art of embossing comprehends gold, silver, brass and iron. As to sculpture, it comprehends, besides the materials I last mentioned, wood, ivory, marble, glass, and gems. For though another profession may deal in the same subject that rhetoric does, that subject does not therefore become improper for rhetoric. Where I to ask, in what material does a statuary work? The answer would be, in brass. Were I to ask, in what material does a founder work? I should be immediately answered, in brass. Now, a vase is very different from a statue. Are we to deny medicine to be an art, because it sometimes prescribes unction and exercise, the same as a master of an academy does; and because cooks, as well as physicians, deal in the nature and quality of foods?

As to the objection, that it is the business of philosophy to treat of what is virtuous, useful, and honest, it makes nothing against my purpose; because, when they speak of a philosopher, I suppose they mean a man of virtue. Then, how should it be surprising that an orator, whose character I never separate from that of a man of virtue, should be conversant in the same matters? Especially, as I have shewn in the first book, since philosophers have taken possession of this province, after it had been abandoned by orators; and as it was the birth-right of eloquence, philosophers are therefore to be looked upon

upon as intruders into our business. To conclude, though it is the business of logicians to dispute on every subject that comes before them, but in a more succinct, quick manner, yet still, why may not the same matters be proper subjects for a smoother and more ornamented manner of speaking?

The following case is sometimes put: Well then, say they, an orator must be skilled in every art, if he ought to speak upon every art. Here I can answer in Cicero's words, who says, "No man, in my opinion, can be a complete and all-accomplished orator, unless he has attained to the knowledge of all subjects, and arts of great consequence." But it is sufficient for my purpose, that an orator is not unacquainted with the subject upon which he speaks. It is impossible for him to be acquainted with all causes, and yet at the same time it is his business to speak upon all. But how is he to do that if he is unacquainted with them? Why, let him speak only to causes he is acquainted with. In like manner, if he is to speak of an art, let him study it, and after he has studied it, let him speak of it.

But what are we to infer from this? If an orator is unacquainted with the subject of building, or music, a builder or a musician will speak better to those professions than he can; doubtless, they will. For even a country illiterate lawyer will plead his own cause better than an orator can, who knows nothing of the subject he speaks upon. But if the musician, the builder, or the lawyer instructs the orator, he will speak better than his teacher. But when any particular illustration is wanted, the builder will speak better upon building, and the musician upon music; not that either of them is an orator, but each will do the business of an orator: in like manner as one who ties up a wound may not

while the making a harbour at Ostia was un-
onsideration, an orator was not to speak his
on that subject, because the work belonged
e art of architecture. Has an orator never
ion to enquire, whether discolourings and
ings in the body proceed from crudities or
poison? and yet that enquiry belongs to the
f medicine. Is not an orator to speak upon
ures and numbers? Yet these are parts of the
ematics. In short, I think scarcely any ques-
can arise, that may not fall under the cogni-
of an orator; if any does not, then it is not
ubject of his discussion. I therefore have
rly defined the matter of rhetoric to be "every
that is subject to an orator's discussion;" and
appears even from the common course of
ersation; for when we get any subject to
to, we very often preface it with saying, that
ave got a proper subject for our discussion. Gor-
was so much of opinion that an orator ought
eak upon all subjects, that he suffered his
ars to question him, at their public meetings,
whatever subjects each of them pleased. Her-
as, likewise, comprehended all subjects in
ric, by saying, that its matter lay in causes
questions. But should any one think that

his great authority for bringing almost every thing under the cognizance of an orator.

A very few examine into the nature of the instrument of rhetoric, by which I mean, that which forms the matter, and without which it is impossible for us to give our labour all the effect we desire. But, in my opinion, this question relates rather to the artist than to the art; for science, even though it does not operate, may be complete, and, therefore, it requires no instrument. But workmen do; an embosser, for instance, must have his tool, and a painter his pencil. I shall, therefore, defer this subject till I come to treat of an orator.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK III.

CHAP. I.

INTRODUCTION.

CONCERNING GREEK AND LATIN WRITERS UPON THE ART OF RHETORIC.

HAVING in the second book enquired what rhetoric is, and what is its purpose; I have, to the best of my abilities, likewise shewn it to be an art, and a profitable one too, for the purposes of life, and likewise that it is a virtue: I have also proved its subject-matter to consist of every thing that falls in its way to discuss. I shall now proceed to treat of its original, of its constituent parts, and in what manner they are to be found out and handled: Which last is the only subject that most writers upon the art of rhetoric have confined themselves to; nay, Apollodorus has restricted himself to the judiciary part of it only.

I am sensible what a task I undertake, by thus (for the satisfaction of those that want to be instructed

Pericles knew any thing of ornamented eloquence; but that the works of Pericles are not without some ornaments. For my part, I find nothing in them that ought to give him so great a character for eloquence. I am not therefore surprised that some think he left nothing in writing, and that the works which go under his name were composed by others.

Many orators succeeded those I have mentioned; but Isocrates, of all the hearers of Gorgias, made the greatest figure, though authors are not agreed who was his master; though I am of opinion with Aristotle, that Gorgias was. It was then those two great men struck into different paths.* For the pupils of Isocrates excelled in all kinds of studies, and when he was in the eighty-ninth year of his age, Aristotle began to give afternoon-lectures upon eloquence, making frequent use, as we are told, of that well-known parody, from the Philoctetes of Socrates.

It is scandalous to be silent, and hear Isocrates speak.

Rhetoric, as an art, is beholden to both. Theodoctes, whose work I have already mentioned, was their cotemporary. Theophrastus, the scholar of Aristotle, wrote likewise with great accuracy upon rhetoric, and from that time philosophers, particularly the leaders of the stoics and peripatetics, have applied more earnestly than rhetoricians themselves have done to this art. Hermagoras afterwards struck out, as it were, a walk to himself, in which he was followed by many; and Athenæus seems to have been his rival, and, at least, his equal in this art. It afterwards received great improvements from Apollonius of Molon, from Areus, from Cæcilus, and Dionysius of Halicarnassus.

* See this matter fully handled in Cicero de Oratore, l. 3. c. 34 & 35.

But the most famous professors after them were, Apollodorus of Pergamus, who taught Cæsar Augustus at Apollonea; and Theodorus of Gadara, (who chose to pass for a Rhodian), and whose lectures, Tiberius Cæsar, we are told, assiduously attended when he retired to that island. Those two professors striking into very different manners, gave rise, as we have seen often to be the case in philosophy, to the different sects of Apollodoreans and Theodoreans. But we must have recourse chiefly to the disciples of Apollodorus for the rules he laid down; of these, Caius Valgius was the most accurate compiler in Latin, and Atticus in Greek. The treatise he addressed to Matius appears to be the only piece he wrote upon this subject, for he disavows, in his letters to Domitius, all the tracts that went under his name. Theodorus was author of several pieces; and some people, who are now alive, remember to have seen him hearer to Hermagoras.

So far as I have been able to learn, Marcus Cato, the famous censor, was the first who collected some materials upon this head, and upon them Antonius afterwards formed his plan, which he never finished, and is the only work of his now extant. He was succeeded by some less considerable orators, whom I shall particularly mention if occasion shall offer. But Marcus Tullius Cicero, that brightest luminary of eloquence, while he instructs us in her rules, gives us the noblest specimen of executing, as well as teaching, the art of rhetoric. After this great author, it perhaps would have better become me to be silent, did not he himself tell us, that his pieces upon rhetoric had carelessly slipped from him when a young man, and had he not purposely omitted in his treatise concerning the character of an orator, those minuter points which are so generally useful. Cornificius wrote a good deal upon the same subject.

Stertinus wrote somewhat, as did the elder Gallio; but Celsus and Lenas, who lived before Gallio, wrote still more accurately than he, as have, in our own days, Virginius, Plinius, and Rutilius. Some eminent authors upon the same subject are still alive; and had they not omitted some things in their writings, I should have been spared the trouble of this work. But I forbear to mention the living; the season of their glory is yet to come; their virtues will be transmitted to posterity without the envy that now attends them.

However, after such a number of excellent authors, great as they are, I shall not be afraid, upon certain occasions, of advancing my sentiments likewise. For I have not, from any spirit, as it were, of superstition, bound myself over to any sect; and I have opened a field in which my readers may chuse what they best approve of. As I have collected into one body the compositions of many authors, wherever I have no room to shine as an ingenious writer, I shall be contented with the character of a careful compiler.

CHAP. II.

CONCERNING THE ORIGINAL OF RHETORIC.

I SHALL not expend much time in inquiring into the original of rhetoric. There can be no manner of doubt that nature, the parent of mankind, and of the world, endowed man with speech. This being the unquestionable original of that property, common utility cultivated and improved it, till it was completed by study and practice. Now, I cannot see why some imagine that eloquence owes its rise to men's studying how to speak accurately in their

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their own defence, when their welfare was endangered. This, indeed, accounts for its original in a nobler way, but it is founded upon a mistake, because the impeachment comes first and the defence afterwards; unless we are to suppose that the man who made the first sword, made it in order to defend himself, and not to destroy others.

The practice of speaking, therefore, was introduced by nature; the art of speaking, by observation. For as men, seeing in medicine some things that were wholesome and some unwholesome, erected it into an art by observing those properties; thus, in speaking, they found some things that were proper, and others improper, and marked both, the one to be imitated, the other avoided, and study suggested some improvements of her own. These observations being confirmed by general experience, then every one instructed another in what he himself knew.

Cicero,* indeed, tells us that eloquence took its first rise from the founders of cities and of laws, who certainly

* Cicero.] Our author was probably pretty far advanced in years when he composed this work; and he was so well acquainted with Cicero's writings that he seems, sometimes, to quote them by his memory; neither can I find that the ancients had to their books the pretty conveniencies that our's have, I mean that of indexes. It is, therefore, not very surprising that some inaccuracies should slip here and there into this work. The present passage, I think, is one, for I do not recollect that Cicero commits the absurdity charged upon him here by our author; his words are, speaking of eloquence, "What other power could have been of sufficient efficacy, either to collect the dispersed individuals of mankind from all quarters into one place, or to bring them from savage barbarous life to a social regulated intercourse; or, after states were founded, to mark out laws, forms, and constitutions, for their government?" Cicero, in the beginning of his first book concerning invention, has explained this matter more at large; for he there supposes, "That when mankind lived in a savage state," (by which he does not mean, by the bye, what he calls the state of nature), "some great

certainly must have had great powers in speaking. But I know not how he comes to make this the first original of eloquence, since whole nations still wander about, without cities and without laws, yet some amongst them act as ambassadors, some impeach, others defend, nay, they form a judgment of each other's merit in speaking.

CHAP. III.

CONCERNING THE FIVE PARTS OF RHETORIC.

Now, with many and great authors, I divide the whole system of speaking into five parts; I mean, invention, disposition, elocution, memory, and delivery, or, which is the same thing, action. Every speech expressing any certain purpose, must necessarily consist of matter and words; if it is short, and closes with a single proposition, it perhaps requires nothing else, but if it runs into any length, it re-

great and wise man, knowing the ingredients of which man was formed, and the power of those properties which resided in his soul, bethought how he could call them into action, and lay down rules for improving them. He then, by a certain system, compelled into one place men who were before wandering in the fields or lurking in wild holes. Having thus collected them, he introduced into society whatever was honest and virtuous; and though, at first, they disliked a life they were not used to, yet he fixed their attention by his wisdom and eloquence, and from brutes and savages he rendered them mild and gentle. Now, in my opinion, it must have required uncommon abilities in speaking to have thus, of a sudden, reclaimed mankind from their barbarous habits, and made them embrace the useful purposes of life."

Both these quotations appear ridiculous enough, if we consider them in any other light than as coming from a professed orator; for, when Cicero speaks as a philosopher, he gives a much more sensible account of the original of society. These passages, however, absurd as they are, are infinitely more defensible than what Quinctilian here charges upon Cicero.

quires more. For, perhaps, it is not only material to speak to the purpose, and with propriety, but to know where to introduce what you have to say; this, therefore, gives rise to disposition or arrangement. But we shall neither be able to speak all that our subject will admit of, nor yet to introduce every thing we have to say in its proper place, without the assistance of memory, which, for that reason, forms the fourth part. All those four parts, however, may be vitiated, nay, utterly lost upon the hearers, by a pronunciation that is disagreeable, either in the sound or in the action; and, for this reason, delivery holds the fifth part.*

CHAP. IV.

CONCERNING THE THREE KINDS OF CAUSES.

THERE is some doubt whether the kinds of causes ought to be reduced to three, or more. It is true, almost all the ancient writers of great authority have followed Aristotle in fixing them to three, and he only substitutes the word popular for that of deliberative. For my part, I think it safest, as well as most rational, to follow the generality of authors. There is, therefore, one kind which contains praise and dispraise, and which we shall call by the better quality, commendatory, though others call it the demonstrative part; the next is the deliberative part; the next is the judicial. These three lesser heads include all the subdivisions, every one

* Mr. Rollin has, I think, with great judgment omitted part of the original of this chapter, which consists only of a dry repetition of the sentiments of rhetoricians and others, concerning the divisions of the art, which can be of no manner of use to an English reader.

of

of which must be resolved into praising or dispraising, persuading or dissuading, attacking or repelling. All these have in common to them the arts of conciliating, of explaining, exaggerating, or diminishing, and of soothing, or rousing, the passions of the hearers.

Neither do I agree with those who are of opinion that the commendatory kind ought to be confined to moral matters, the deliberative to what is profitable, and the judicial to matters of justice; for this division is calculated rather for the purposes of conveniency and shew, than of truth. All those qualities require the mutual aid of one another, for the commendatory kind must touch upon what is just and what is profitable, and honesty ought to influence every intention; and rarely do we find any judicial matter that does not partake of some of the qualities I have already mentioned.

CHAP. V.

CONCERNING THE THREE EFFECTS OF ELOQUENCE—THAT QUESTIONS ARE EITHER LIMITED OR INDEFINITE.

Every specch consists of the things that are expressed, and the words that express them. Eloquence is compleated by nature, art, and practice, to which some add imitation, but I conclude it under the head of art. Now the business of an orator is threefold; to instruct, to move, and to delight. But all the three do not always suit with the subject. Some subjects will not suffer an orator to attempt to move the passions, but wherever that can be done, it has vast effect.

It is agreed, that questions are either indefinite or limited. The indefinite are such as, being independent

pendent of persons, times, places, and the like circumstances, admit of being handled in different senses; the Greeks call this a θεσις, and Cicero calls it a propositum or proposition. Limited questions arise from a complication of things, persons, times, and the like circumstances; the Greeks call them υποθεσεις, and we, causes; and all debates arising upon them are confined to things and persons. The indefinite kind is the most ample, because out of that springs the limited. For example, whether one ought to marry, is an indefinite question; whether Cato ought to marry, is a limited one, and therefore may become a matter of deliberation.

But this kind sometimes may relate to some particular circumstance, without being confined to any one particular person. Whether one ought to have any share in the government, when his country is oppressed by a tyrant? points at a particular circumstance; though the question is quite indefinite or single, when it is, Whether we ought to have a share in the government? But here the particular person is, as it were, concealed. For the word tyrant makes it a double, and not a single question, and introduces into the mind a secret consideration both of time and quality; so that this cannot be properly called a cause.

Those questions, however, which I call indefinite, others call general; and if this term is just, limited questions ought in like manner to be termed particular, or special ones. Now, in every special question a general question is supposed to pre-exist, and I am not sure whether in causes likewise, whatever comes to be disputed with regard to its quality be not general. Milo killed Clodius; he was justified in killing the man who way-laid him. Now the question here to be considered is, whether a man is justified in killing another who way-lays him? The following are all general questions; whether hatred has been

I compose for the benefit of youth. Hippocrates,* the famous physician, acted nobly in acknowledging himself (lest posterity might have been misled) to have been under some mistakes. And Cicero, in some of his later writings, frankly condemned some of his former, such as his Catullus and his Lucullus, and his books of rhetoric, which I have already mentioned; and indeed it would be toiling to no purpose in study, if, notwithstanding our perseverance, we were debarred from improving upon what we knew before. Nor, indeed, are any of the rules I then laid down needless, because they may be resolved into the principles I am now recommending. Therefore, let no man repent his having learned them. I am not only endeavouring to collect the same materials, but to arrange them to more advantage. Mean time, I would have every body to know, that the moment I myself was satisfied in this respect, I endeavoured to satisfy others.

Upon the whole, therefore, we are to follow those authorities which Cicero has made use of, that all matters of dispute are reducible to three states or issues, which are the points to be tried, Whether any thing happened? What happened? And what is the nature of the thing that did happen? Now, this division is warranted by nature herself; for if, in the first place, we allow that there must be a matter to be tried, that point must be first settled before we can determine the fact, or the nature of it. That, therefore, is the first thing to be tried. But though we are satisfied in respect to the existence of a thing, yet we may not know what the real fact is,

* This was with regard to the sutures of the head, which Hippocrates ingenuously owned he had mistaken; and, says Celsus elegantly, in this he acted like a great man, as he was; for a poor genius can take nothing from itself, because it possesses nothing.

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CHAP. VI.

THAT THE STATE OF A CAUSE IS THREEFOLD.

The state of a cause is the main purpose for which the orator pleads, and which the judge chiefly is to consider; and that, indeed, is the substance of the cause.

Most writers agree upon three general states; conjecture, definition, and quality. This is the opinion of Cicero, in his book concerning the character and qualifications of an orator; and he thinks they contain every point that can come into dispute or doubt. Whether any thing happened? is the conjectural kind. What happened? belongs to definition; And of what nature the thing is that did happen? relates to the quality of the action.

I own that upon this head I have somewhat changed the opinion I formerly entertained. Were my whole aim fame, it would be, perhaps, safest for me to persevere in that opinion which I had for so many years not only taught but defended. But I cannot bear the very thoughts of dissembling any part of my sentiments, especially in a work which

Mr. Rollin, omitted great part of this and the preceding chapter. If the reader shall please to consult the translation of Cicero de Oratore, he will find this matter discussed with great elegance and perspicuity. It is sufficient to give an instance of each state or issue Quinctilian here mentions. In Cicero's pleading for Cælius, he put the issue upon Cælius never having attempted to poison his sister; and therefore it was conjectural. In his oration for Plancius, he forms a definitive state, by examining, Whether that distribution of money which was made by Plancius, could be defined to be public corruption? In his oration for Milo, the issue turns upon the quality of the action, whether Milo was justifiable in killing Clodius?

I compose

From this it appears that they are under a take, who imagine that an orator is never to but upon a disputable point. Is the praise o Capitoline Jupiter, that perpetual theme of s disputation, a disputable point? Is it not treated in an oratorial manner? But as paneg when introduced into a real pleading, requires to support it; so the panegyric that is merely mental ought to carry with it probability. posing an orator is to advance, that Romulus wa son of Mars, and nursed by a she wolf, he make use of the following arguments in suppo his celestial original: that, being thrown into a ning stream, it did not swallow him up; tha actions were such as to render it not incredible he descended from the god who presides over and that his cotemporaries readily believed h received amongst the gods. Nay, in such sub certain circumstances may require to be treat the manner of defence; as when an orator, wh celebrates the praises of Hercules, is to apologi his changing habits with the Queen of Lydia, as we are told, his being obliged to perform the she had appointed him.

But the business of panegyric is to amplify embellish a subject, which generally happens a man or a god; yet it may regard irrational, inanimate beings.

With regard to the gods, we are, in the first p to express a due veneration for their divine na and for their several powers, and their invent by which they have profited mankind. The p of Jupiter is shewn in his government of the w of Mars, in war; of Neptune, upon the sea. regard to inventions, Minerva invented arts; cury, letters; Apollo, medicine; Ceres, agricul

till we try. When this point likewise is settled, then the nature of the fact comes to be examined, and we have nothing farther to try after settling those three points.

Having thus divided causes into three kinds, I now proceed according to the plan I have laid down.

CHAP. VII.

CONCERNING THE DEMONSTRATIVE KIND.

That this Kind, likewise, was practised in Pleadings at Rome—Concerning the Praises of the Gods—The Praise and Dispraise of Men—The Praise of Cities and Places.

I CHUSE to begin with that kind which consists of praise and reproach, though Aristotle, and Theophrastus, who followed him, seem to deny that it ever ought to intermingle in business, but that it is purely calculated to please the audience; and that it was called demonstrative, merely because of its ostentation. But the practice that has prevailed at Rome has even adapted this manner to business. For speeches in praise of the dead, frequently result from some public duty, and devolve upon magistrates by a resolution of the senate; and the encouragement or discouragement of a witness is a main part of the practice of a pleader. Nay, even the accused are at liberty to employ their panegyrists to speak in their praise; and the invectives that have been published, during competitions for public offices, against Piso, Clodius, and Curio, though full of reproaches, had their weight with our senate. I likewise admit that some compositions of this sort are merely ornamental, such as the praises of the gods and heroes of past times.

From

The praise of men admits of greater variety; for in the first place, it marks out the times that preceded them, and the times in which they lived; and if the parties happen to be dead, the time succeeding their death. With regard to times before the birth, we have an opportunity to treat of their country, their parents, and their ancestors. This may be done in two manners; either by shewing how glorious it was in them to equal all the virtues of their blood; or to ennoble their descent by their merits. The circumstances, too, of the times that preceded them may be touched upon, if they have been distinguished by oracles, or auguries, foretelling the glories of the party; as when the oracle pronounced that the son of Thetis was to be more illustrious than his father.

passage, which he calls an impious piece of adulation to an abandoned monster of vice, who had commanded himself to be worshipped as a god. But the learned gentleman's zeal goes too far, and both he and the Abbe Gedoyn seem to me to have mistaken the sense of this passage, the original of which is; "Laudandum in quibusdam, quod geniti immortales; in quibusdam, quod immortalitatem virtute sint consecuti; quod pietas principis nostri præsentium quoque temporum decus, fecit. "Now, in order to justify my translation of these words, we are to reflect that Domitian had erected a temple to his father and brother, two of the best princes the Romans ever had, which he called by the name of the Temple of the Flavian Family. This circumstance renders this passage plainly intelligible, which it is not, if we take it in the sense of the two Frenchmen. I should not have been, however very solicitous of defending my author upon this head, had not Mr. Rollin, though a great admirer of Quinctilian, injudiciously think, attacked him. For great authors have complimented worse princes than Domitian was with immortality; and Mr. Rollin had every day before his eyes more gross pieces of adulation than he supposes Quinctilian to have been guilty of here, paid, by a whole people, to a prince (and in his life time too) who did a thousand times more mischief to mankind than ever Domitian did; I mean Lewis the XIVth of France, whom his subjects, at every turn, complimented with immortality; and his statues bear, and still bear, the modest inscription of Viro immortali.

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With regard to personal praises, they consist either in mental, bodily, or external circumstances. The two latter are not so material, nor are they to be handled in the same manner. For sometimes beauty and strength admit of panegyric; and Homer celebrates Agamemnon and Achilles for both. Even defects may raise our admiration; for, in the Iliad, we admire Tydeus, though a little man, for being a great warrior. Fortune is a subject upon which a great many fine things may be said. When she smiles, as upon kings and princes, she is attended with dignity; when she frowns, as upon meaner men, the greater is the glory of counterbalancing by merit the weight of her indignation. As to external and accidental advantages, it is not the possessing them, but the using them well, that is matter of panegyric. For riches, power, and favour, as they enable a man to do a great deal, either of mischief or good, afford the most powerful trial of our dispositions, by rendering them either better or worse.

But the merit that arises from mental properties, though unvarying and perpetual, yet may be celebrated in many different manners. Sometimes the orator thinks it more beautiful to attend his hero through the several stages of life, and through the progress of his actions. He touches upon his dawning genius when a boy; his application, when a youth; and, when a man, upon his character, as composed of magnanimity, both in words and actions. Other orators think proper to divide their panegyric into the different kinds of virtues, by giving particular instances of the fortitude, the justice, the modesty, and other great qualities of their hero. We shall consider, as my subject leads me, which of these manners is preferable. We are, in the mean time, to remark, that it is more pleasing for the hearers to be informed of the hero's being the first,

first, or single, or next to single, in the performance of a great action. Unlooked-for and surprising events, arising from his virtues, add to our delight, especially if another person, and not he himself, reaps the benefit.

It does not always lie in an orator's way to touch upon the time succeeding the death of his hero, not only because the living are often the subjects of our panegyric, but because it seldom happens that a man dies, who deserves to have divine honours, senatorial decrees, and public statues, dedicated to his memory. To these I may add the monuments of wit and genius, whose merits have been established through a succession of ages. For some, Menander for instance, have owed more to the justice which posterity has done their works, than to that done them in their own times.

Children reflect glory upon their parents; cities, upon their founders; laws, upon their enactors; arts, upon their inventors; and institutions, upon their authors. Thus, Numa is celebrated for fixing the worship of the gods, and the Consul Publicola for being the first who lowered his fasces to the majesty of the people.

The same order, but by inversion, is observed, when reproach is the subject of the oration. Many have been disgraced by the meanness of their blood, while vice has rendered the nobility of others only more conspicuously despicable, and more eminently hated. The mischiefs that some are to commit, as was the case of Paris, have been foreseen, and foretold; and some have fallen into contempt, as Thersites and Irus are supposed to have done, by the defects and deformities of their persons. Others have, by their vices, disgraced the beauties given them by nature. Thus Nireus is represented by the poets as a coward, and Plisthines as a prostitute. The vices of

of the mind are as numerous as its virtues; and dispraise, as well as praise, may be represented in two manners. Ignominy follows some men, even after life. Thus, the house of Melius, when he was dead, was demolished; and none of the posterity of Marcus Manlius were suffered to carry their family's name. The parents of wicked men are likewise objects of our detestation; and it brings infamy upon the founders of states, if they assemble together any sect of men that is pernicious to the rest of mankind. Such was the first broacher* of the Jewish superstition, and such were the favourers of the hateful laws of the Gracchi. The authors of any practice that posterity detest are likewise hated, such as was that of the lustful Persian upon a Samian† woman. With regard to the living, the opinion which mankind en-

* Broacher.] Commentators are inclined to believe that Quinctilian here means Jesus Christ and his followers. It is true, Suetonius mentions the Christians and the Jews as being the same sect; but if it is true, what most authors believe, that our author was intimate in the family of the Consul Clements, who was himself a Christian, and a martyr for Christianity, and that he was charged with the education of his sons, it is very unlikely that he should be so grossly ignorant, as he must have been, if in this passage he means the Christians. I am rather inclined to think that he means the Jews only, whose city had been lately razed by Titus Vespasian, and who were then held in universal detestation. Every one knows that the character given of the origin of the Jews by Tacitus, who was cotemporary with Quinctilian, represents them in the very light in which they are represented by our author, as being a people hateful to all the world, and hating all the world, and the refuge of all the scum of the earth: "Nam pessimus," says Tacitus, "quisque, spretis religionibus patriis, tributa & stipes illuc congerebat; unde auctæ Judæorum res. Et quia apud ipsos fides obstinata, misericordia in promptu, sed adversus omnes alios hostile odium." Add to this, that the epithet primus seems to characterise Moses, in opposition to Jesus Christ, whose followers were the very reverse of the character of the people mentioned here.

† Samian woman.] Commentators are not agreed upon the fact here alluded to, nor is it very material.

tertains of them ought to be taken as sufficient proofs of their characters; and their praise or reproach is justified by the public esteem, or disesteem, of their persons.

Meanwhile, Aristotle is of opinion that it is very material an orator should well know the nature of the company in which he praises or dispraises. The disposition of the hearers, indeed, and the received opinions of the public, must be confessed to be of great importance to persuade them that the virtues they most love reside in the subject that is praised; or the vices they chiefly hate in him who is lashed. Thus an orator may, beforehand, form a shrewd judgment concerning the success of his speech, because it will be no other than a continual chiming in with the favourite sentiments of his auditors, who will be charmed by his address, which, however, he ought to adapt, as much as possible, to the purpose of his subject. At Lacedæmon learning was held in much less esteem than at Athens; but the Lacedæmonians excelled the Athenians in patience and resolution. Some people account it virtuous to live by plunder, others are regulated by laws. The Sybarites, perhaps, hated temperance; the old Romans held luxury to be a capital offence. Individuals are affected in the same manner; the speaker is always most favourably heard who flatters the sentiments of his judge.

Aristotle lays down another rule (I think Cornelius Celsus has made an outrageous use of it), that we ought to take advantage of that affinity of words, which arises from an affinity that subsists between certain virtues and vices. Thus, we call rashness, courage; profusion, liberality; and avarice, frugality. This is a practice which a true orator, whom I always suppose to be a good man, never will give into,

into, unless he is invited to do it by some general utility that is to arise from it.

Panegyrics upon cities are of the same nature with those upon men. Their founder stands for their parent; antiquity gives them as much reverence as if they were coeval with the land they live in. Their actions are subject to praise, or dispraise. Now these particulars hold with regard to all cities; but some have peculiar properties, arising, for instance, from the situation or strength of the place. Their citizens grace them as children do their fathers. Their public works admit of encomiums upon their dignity, their utility, their beauty, and their founders. Dignity is applicable to their temples; utility, to their walls; beauty and the founder, to both. Particular countries too admit of encomiums; thus Cicero praised Sicily. Here we must endeavour to unite beauty with beneficence. Beauty is applicable to their coasts, their plains, their skies; beneficence, to the purity of their air and the richness of their soil. There is likewise a general kind of penegyric upon words and actions. In short, every thing admits of it in some degree or another. Authors have written encomiums upon sleep and death; and some physicians have written the praises of certain kinds of food. Upon the whole, therefore, as I did not admit this panegyrical kind could be exercised upon no other object but virtue, I think it falls into the division of quality; nay, all the three states I have mentioned may be there united; and Cicero has observed that Cæsar did unite them all in his invective against Cato. The whole of it, however, has something in it resembling the deliberative kind, because what is praise in the one operates as persuasive in the other.

CHAP.

CHAP. VIII.

CONCERNING DEBATE, BEING THE PERSUASIVE OR DELIBERATIVE KIND.

That Utility is not its only Object.—How it ought to set out and proceed.—Three Points to be considered in Persuasion; first, the Subject; secondly, the Audience; thirdly, the Speaker.—Concerning Declamations in the Deliberative Kind.—Of the Style required to persuade.

It is surprising that the deliberative kind of speaking should, by some, be confined to utility only. If there is any one point to which it ought to be confined, I am, with Cicero, of opinion that the chief province of this kind is dignity. I make no doubt that they who are of the other opinion will plead that specious sentiment of the stoics, which holds nothing to be profitable that is not virtuous. This doctrine would be indisputable, were every assembly, where a debate happens, made up of men of wisdom and virtue. But the ignorant, especially the people before whom we are obliged to plead, consist of an undiscerning multitude; and therefore we are obliged to treat of virtue and utility as being separate qualities, that we may accommodate ourselves to their vulgar notions: for some amongst them are persuaded that a thing may be virtuous, and yet fall short in point of utility; while others approve of what is indisputably dishonest, because it is recommended by utility: for instance, the Numantine league, and the disgrace of our armies at Caudinum.

Nay, the kind I now treat of is not even comprehended under the state of quality which I mentioned, the particular province of which is to treat of

at is virtuous, and what is profitable. For
ften a doubtful matter may be started out of
ead, and sometimes a definition may be
l to clear up the question; sometimes a knot-
nt of law may arise, especially if the business
private nature, and turns upon its legality,
gality. I shall soon fully treat of matters of
and conjecture; but with regard to defini-
we have an instance of one in Demosthenes;
er Philip should make them a present of, or
em back, the island of Halonnesus? We have
r in Cicero's Philippics, when he defines the
nce between a war and an alarm.* Nay, far-
s not the question arising from the statue of
s Sulpitius of kin to those handled at the
hen he disputes, whether statues are to be erect-
those† only who perish in their embassies by
nt death?

refore the deliberative, or, which is the same
the persuasive kind, (as in the two cases I
ntioned) in deliberating upon future measures,
s the past. It consists of two purposes, per-

rm.] Orig. tumultus. M. Antony having provoked the
break with him, a debate arose in it, whether they should
the hostilities they were to enter into, a bellum, or a tumul-
war, or an alarm. Cicero was for the former.

g. non illa similis judicialium quæstio de statua Servii Sul-
iis demum ponenda sit, qui in legatione ferro sunt interempti?]
clined to suspect this reading, which I should like better,
d of demum, we were to read solum. The case was this:
Sulpitius, when he was very much indispoeed, and pretty
s sent, in the winter time, upon an embassy to Marc An-
which he died. Pansa made a motion in the senate for
g some special honour to his memory; and Publius Servi-
g asked his opinion, gave it for a tomb to be erected for
t not a statue, because the Romans erected statues only to
o were killed upon their embassies. Cicero, who spoke
, was of a different opinion, because he thought that Sul-
s as much killed by his embassy, as if he had fallen by the
and the question was carried for his opinion.

suasion

suasion and dissuasion. It does not always requi so formal an introduction as pleadings upon ma ters of law do; because, whoever applies for a vice,* is supposed to be willing to take it. It ough however, to begin with some kind of an introductio without breaking into the subject in a random, fa ciful manner; because, in all subjects there is som what which the nature of the thing points out t stand first.

When we speak before the senate, or an assem bly of the people, we are to observe the same m thod as at the bar, by endeavouring to prepossess majority of the hearers in our favour. This done even in panegyrics, when we aim at praise o ly, and not profit. It is true, Aristotle, with som reason, thinks that we may often borrow so muc from the manner of the bar, as to introduce o speech from somewhat relating to our own perso or that of him who differs with us in the debate sometimes by exaggerating, sometimes by dim nishing, the importance of a matter. In argumen of a demonstrative nature chiefly, he allows mo latitude for the introduction, which he thinks ma be wide of the subject; as was the practice Isocrates, when he celebrated the praises of Hele He is likewise of opinion that it may relate to subject which borders upon our own; as when th

* Advice.] I shall not take up my reader's time in proving th the English words, deliberation, demonstration, counsel, and sev ral others I could name, have sometimes very different ideas annex to them from what the same words in the Latin import. Suas for instance, or suadere, I have translated persuasion, as being t most general word, and, therefore, the safest I could hit upo but it is plain, from this passage, that by it our author mea advising, or counselling. I am farther to observe, that, proper speaking, the deliberation which he mentions here, sometim signifies what we call debate, that is, when an equal speaks to equals.

same orator, in the same panegyric, complains that the world pays more honours to the beauties of the body than those of the mind. And Gorgias, in his olympic oration, praises the founders of that meeting. Sallust* seems to have followed this manner, for his introductions to his Catilinarian and Jugurthine wars have no relation to his history. But I now return to the persuasive, or advising part, in which the introduction, if we make use of any, should be short, and we should confine ourselves to the marking it with an initial, or a bare commencement.

As to stating the case, which I call the narration, there seldom is occasion for that in a matter of private debate, because every one present is acquainted with the subject under consideration. Many particulars, however, not intimately connected with the subject, may be necessary to be explained. In speeches before assemblies of the people, it is generally necessary to give a circumstantial detail of the affair, so as to move their passions, which is the great point to be considered in such assemblies.† In order to do this, we are frequently to rouse, and to calm, their resentments; we are to work upon their fears, their wishes, their hatred, and to touch

* Sallust.] Our author seems to leave it a little doubtful, whether Sallust is justifiable in this practice. I think he is not; and I dare to say Cicero would have thought the same thing. "The beginning, says he, (De Oratore, l. ii. c. 80.) ought to be so connected with the subsequent part of a speech, as not to appear like the flourish of a musician, a thing detached, but like a proportionable member, of a piece with the whole body. For some people, after they have dispatched this premeditated part, make such a transition to the rest of their discourse, that they seem to demand that the audience should suit themselves to their fancies. An orator, then, ought to treat a prelude, not as the Samnites do their spears, which they brandish before they encounter, though they do not use them in the fight; for he ought to fight armed with the very sentiments he used in his prelude."

† The original here is very doubtful, but the meaning seems to be as I have expressed it.

every

every spring of their passions. Sometimes we may have occasion to awaken their compassion; when we endeavour, for instance, to persuade them to send relief to a city that is besieged, or when we deplore the ruin of a state in alliance with Rome.

Now, authority has a great influence upon public deliberations. The man who endeavours to bring over all mankind to his opinion, in every consideration that is either profitable or virtuous, should endeavour to excel all others in the characters of wisdom and goodness. In judiciary matters, an orator is commonly allowed some indulgence for his own private affections; but in public questions, all he says is supposed to be influenced by nothing but the public good, and his own conscience.

Many Greek writers, indeed, have considered all the deliberative division of rhetoric to belong to public harangues, and have confined it, nearly, to matters of government. Cicero himself is of that opinion; and he recommends the study of two particulars, namely, the strength and the morals of a state, to all who are about to speak concerning peace, war, wealth, public works, and revenues; that the speaker's arts of persuasion may be derived from an intimate acquaintance, not only with the very thing he speaks of, but with the character of his hearers. I am for giving a larger scope to the practice of eloquence, because of the vast variety both of subjects and persons, that public deliberations admit of.

In persuading, or dissuading, therefore, three things are chiefly to be considered; the subject of the deliberation, the character of those who deliberate, and that of the person who speaks.

As to the subject of the deliberation, we are to suppose it either practicable, or not practicable; if it is impracticable, the whole or the chief stress of

the reasoning ought to turn upon that. For it often happens, that we first enquire whether a measure is proper, supposing it practicable; and then we prove it to be impracticable. But when the last is our business, the state of the question becomes conjectural. For instance, Whether it is practicable to cut through the Corinthian isthmus? to drain the Pontinian fens? To make a harbour at Ostia? Or whether Alexander could find another world beyond the ocean? But sometimes a matter, that we know to be practicable, may turn upon conjecture. For instance, Whether the Romans can conquer the Carthaginians? Whether Hannibal will return? Whether Scipio should carry over his army to Africa? And, Whether the Samnites will continue in their allegiance, if the Romans shall lay down their arms? Certain events are not only possible, but probable; and then the question will turn upon the difference of time, place, and manner.

When there is no room for conjecture, other considerations fall in our way. In the first place, we examine into the nature of the affair itself in question, or how it is circumstanced and attended. For instance, when the senate debates, Whether it shall vote a fixed pay for the army? Here the nature of the measure, abstracted from all other considerations, is the point to be debated. With regard to circumstances, they are of two kinds; whether a measure ought to be followed; for instance, whether the senate is to give up the Fabii to the Gauls, who threaten to make war? Or whether a measure is not to be pursued; as when Cæsar deliberates, Whether he ought to march against the Germans with his army, who are so dispirited that the soldiers are making their testaments? Here each measure to be debated admits of a double consideration. In the first instance, we are to consider the threats of the Gauls;

and

and then another consideration arises, whether the three persons sent in the character of ambassadors ought to be delivered up, for having, against the law of nations, entered upon hostilities, and killed the prince with whom they were commissioned to treat. With regard to the other instance, the single point of consideration with Cæsar is, doubtless, the consternation of his soldiers; and yet, besides this, it is possible a consideration may arise, Whether he ought to carry an army into Germany. For we always speak first to the point that is in question, abstracted from all circumstances attending it.

Some writers have divided persuasive considerations under three heads; those of virtue, utility, and necessity. As to the last, I think it improperly introduced. For when we are under compulsion, we possibly may be under a necessity of suffering somewhat, but we can be under none of acting. Now the single point of our deliberation is action. But if we are to give the term of necessity to that state in which men are placed, through the fear of suffering somewhat that is more dreadful, then the consideration will turn upon utility. For instance, when a handful of men are besieged by a great army, and are distressed both for food and water, they deliberate about surrendering the place. This you call necessity, because they must either do it, or they must perish. But this very alternative shews that it is not necessity, because they have it in their option to perish. Have we not the instance of the Saguntines, who chose to perish rather than surrender; and the Opiterginians, who rather than yield to their enemies, put each other to death on board their ships. In all such cases, therefore, the sole consideration is utility only, or else it lies between utility and virtue. Supposing a man wants to have children to inherit his estate, would he not be under a neces-

sity

ase of impossibility. For all deliberation im-
doubt; if therefore there is a third head of per-
n, I shall chuse to call it that of possibility,
a is indeed an uncouth term, but is the only
can think of.

ere is no room for me to shew that every case
liberation does not admit of all these three
. yet most writers increase their number, by
oing things as parts which are only subdi-
is of parts. For right, justice, piety, equity,
ency, and other virtues of the same kind, come
r the head of honesty. In like manner, under
ead of utility, we debate whether a measure
acticable, great, agreeable, or safe; all which
derations are matters subject to be debated.
a measure is profitable, but we are to consider
e same time, whether it is not difficult, mean-
ed, disagreeable, or hazardous?

eanwhile, some are of opinion for sometimes
ng the agreeableness of a measure a head by
. For instance, when the building of a theatre,
stituting public diversions, comes under con-
ation. But I cannot suppose any person to be
condoned to luxury, as to think that pleasure
ver be the sole business of persuasion. Some-

religion too mixes in the consideration, since we may call a theatre the temple, as it were, of the festivals there celebrated.

Now it often falls in our way to recommend a contempt of profit in favour of virtue. For instance, were we to advise the Opiterginians I have already mentioned, not to surrender themselves to their enemies, though certain death is the consequence if they do not. We sometimes may have occasion to prefer a profitable to a noble measure. For instance, were we, as happened in the Punic war, to persuade our countrymen to arm their slaves for their defence. But here we are not to shock their ears with a downright avowal of the dishonour of this measure; for we can palliate it by pleading, that nature has made every man a freeman; that all mankind is composed of the same materials, and who knows, slaves as they are, whether they are not descended of noble ancestors? Where the danger cannot be palliated, we are to throw in other considerations; such as, that if the citizens of Opitergium shall surrender themselves, they must perish by a more cruel death, either by their enemies breaking the capitulation, or (which is most probable) by Cæsar remaining victorious.

But when two measures seem very averse to each other, the best way is to make use of such terms as may incline them to some seeming reconciliation. Utility may be exploded upon the principles of those who not only prefer virtue to utility, but deny that utility can exist without virtue. On the other hand what we term virtue, others term (more plausibly than truly, indeed) vanity, ambition, and folly. Besides the opposition of utility to inutility, one utility may be opposed to another, and one inutility to another, that our choice may be determined by the greater good in the one, and the smaller evil in

th

the other. Nay, this manner may still be enlarged to our view; for three points of deliberation may arise. Thus, Pompey deliberated whether he should fly to Parthia, Africa, or Egypt. Here the question is not, Which is the better of the two, but, What is the best of three measures? The same holds of the opposite consideration.

In deliberations of this kind, we can have no doubt of a measure that appears absolutely in our favour. For where that is the case, the consideration of one measure cannot contradict the other, and as there is no room for doubt, there can be none for deliberation. Upon the whole, therefore, the business of persuasion lies almost wholly in comparing one circumstance with another. Sometimes we are to consider the purpose we aim at, and the means of obtaining it, so as to form an estimate whether there is more utility in our compassing the end, than there is danger in our pursuing the means. Sometimes a consideration of utility may introduce a consideration of the juncture. The measure, for instance, may be proper, but the juncture improper. A consideration of place too may arise; This is no proper place for such a measure. Persons too are to be considered, Such a thing is improper for me—I am not to oppose such a one. We may say the same of the manner, and of the proportions, Such a manner is improper—Such an express may be dangerous.

But we often have occasion to consult what best becomes persons; a material consideration! both with regard to the man who consults, and the man who is consulted. Therefore, though precedents have great weight in determining our deliberations, because mankind are very readily won over to a measure by having an example before their eyes of the same kind, yet ought we carefully to examine the characters of the parties, both in the example

and

and the application of it. The same measures may fall under the deliberation of men very differently disposed, and different circumstances may attend them. The parties may deliberate either in a collective capacity, or as individuals. When in the former, it is of great consequence whether the senate or the people is to deliberate, whether the Romans or the Fidenates, the Greeks or the Barbarians: when the latter, whether we are to persuade a Cato or a Marius to stand for public employments; whether in military matters we are to follow the advice of a Scipio or a Fabius. Next we are to regard the sex, the dignity, and the age of parties, but the most material difference consists in their dispositions.

Now there is no difficulty in persuading the virtuous to follow virtuous measures. But if we are to plead for such measures before men of abandoned principles, we are carefully to avoid all appearance of reproaching them for the contrariety that there is between the measures and their character. For we are not then to think of winning their assent by expatiating upon the beauty of virtue, which never comes into the thoughts of such men; but we are to work upon them by the glory and the popularity that will attend their pursuing such a measure; and, if they look upon those but as empty sounds, we are then to lay before them the great profit which will thereby arise to themselves, and to magnify the dangers which may attend their doing otherwise. For the more worthless man is, the more susceptible he is of fear; nay, I am not sure whether the generality of mankind are not more influenced by the dread of danger than the hope of advantage; so much more easily and naturally is mankind in generally struck with the notion of what is mean, than of what is noble.

We

We are sometimes likewise employed in persuading even worthy men to measures that are not quite creditable,* and in giving counsels that are merely interested to men of but very indifferent morals. I am well aware what reflection the reader may be ready to make upon this passage. Do you, Quinctilian, then recommend such a practice? Do you think it defensible? Here I will make use of Cicero's words in his epistle to Brutus, in which he mentions many propositions, which any man of virtue might have made to Cæsar; "Shall I," says Cicero,† "act up to the character of a good man, if I counsel Cæsar to such measures? I shall not; for every man who counsels another ought to have nothing in his eye but the utility of the party who consults him. But those measures are right in themselves. No doubt they are. But

* Creditable.] I am somewhat of the opinion of Turnebus, that the practice here mentioned is not very consistent with the character our author gives of a good orator, who, he says, ought to be a man of virtue. At the same time we are to reflect that Quinctilian is no stoic, and therefore he might, consistently enough with himself, think that a partial evil might be indulged, in order to obtain a general good.

† As this epistle of Cicero to Brutus is now lost, it is difficult, if not impossible, to ascertain which are the words of Cicero, and which of Quinctilian, in this passage. I follow the edition of Stephanus, printed at Paris, 1542, which I think to be of the greatest authority; Burman, and the rest of the Dutch commentators, which is generally the case when there is any difficulty, not saying a word of the matter. There is, in the 15 epist. l. 7. of Cicero's epistles to Atticus, an expression which might be a great deal to our author's purpose, for he there says, That in a council held by the consuls and other senators, to deliberate upon the measures they were to take, in regard to Cæsar, Cato himself declared that he thought it much better to submit to Cæsar, than to fight with him. Cato, says he, enim ipse jam servire, quam pugnare mavult. Upon the whole, however, I am inclined to believe, that the Cæsar mentioned here by Quinctilian, is not Julius, but Augustus Cæsar, nor do I remember that this passage has ever been considered by Dr. Middleton, or any of Cicero's apologists.

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where persuasion is the only aim, rectitude does not always fall under our deliberation." But as this is a matter of great importance, and reaches farther than my present subject, which is that of persuation, I have given it a place in the twelfth, which is the last, book of this treatise.

Meanwhile, I am not for having any thing done in a scandalous manner. But these are questions of a moral kind, and they may be discussed in schools, and become imaginary themes of declamation. Yet still we ought to be acquainted with the ways of the wicked, that we may the better know how to persevere in those of the virtuous.

It is proper, however, that I should here caution my reader, when he wants to persuade a good man to an immoral action, not to imitate certain declaimers, who advised Sextus Pompeius to turn pirate, merely because the profession was profligate and cruel. No, he never is to recommend a measure as being immoral; nay, he is to palliate the most disagreeable proposal with the colour of virtue, even when he has to do with wicked men. For no man is so wicked as to wish to appear wicked. Thus Sallust introduces Catiline himself declaring that he was prompted to the enterprise he had attempted, "not by wickedness, but by resentment." Thus Varius makes Atreus say,

> Not from my choice, the ills I act proceed,
> For dire necessity compels the deed.

Now, while men are tender of their characters, they ought to be still more careful of a decent appearance. Therefore, were we to counsel a Cicero to apply to Antony for pardon, or to embrace the terms of life that Antony offered him, by burning his Philippics, we are not to mention the fear of death as a motive for his compliance; for if he is impressed

impressed with such a fear, it will operate without our suggesting it; but we are to conjure him to preserve his life for the service of his country. Such is the request that gives him the fairest apology for such a compliance, nor will he blush to live upon such terms. In like manner, were we to persuade a Cæsar to size the sovereignty of his country, we are to affirm that she must be ruined under any other form of government. For when a man deliberates upon executing a wicked measure, his sole consideration is, how he may best palliate his wickedness to the eyes of the world.

The character of the person who counsels is likewise of great importance; because he can claim regard to the former part of his life, if it has been spent with honour; to his blood, if it is noble; to his age, if it is venerable; to his fortune, if it is illustrious. Where such is the case, he will take care to make his sentiments correspond with his character. If all those considerations are the reverse of what I mention, he will speak in a more submissive manner. For what is becoming freedom in the one, is disagreeable impertinence in the other; the former is respectable by his authority, and the other scarce tolerable with all his abilities.

I think it is very difficult to execute to advantage speeches in assumed characters, because that person who does it is obliged to suit himself to the character, as well as his pleading to the rules of eloquence. The characters of Cæsar, of Cicero, and of Cato, require to be supported in quite different manners, because each of them has a different manner of persuading. Now, this exercise is of the most useful nature, both because it forms us to a double perfection, and because it is of the greatest service to poets and future historians; nay, in an orator it is indispensable. Because many orations have been

tation consists of an accusation and defence, which is the property of causes of controversy at the bar. A consideration of interest likewise mingles with it. Whether Pompey's death would serve Cæsar? Whether, if Theodotus was killed, Cæsar had any reason to be afraid of a war with Ptolemy? Whether such a war, at such a juncture, would not be extremely embarrassing, dangerous, and inevitably tedious? Moral considerations likewise arise upon this subject. Whether it was proper for Cæsar to revenge Pompey's murder? Whether it was not to be apprehended that Cæsar would injure the credit of his own cause, if by his conduct he should confess that Pompey did not deserve to die? Now all this kind of reasoning is applicable even in real life.

Most part of declaimers, however, have, with regard to this persuasive part, been under a capital mistake, by imagining, that when they treat such subjects, their manner of handling them ought to be the very reverse of what they practise at the bar. From this mistake their beginning is abrupt, their style always fermented, their language bedizened, as they call it, with flowers; and the notes they take when they speak in this manner, are more scanty than when they speak upon a real cause at the bar.

In subjects, therefore, that require persuasion, I have already given my reasons why they may sometimes dispense with a formal preamble; but at the same time, when a preamble is introduced, I see no reason for always filling it with fire and fury. An orator, if he is a man of sense, when he is required to speak his sentiments upon a matter of consequence, does not set out with tearing his lungs; but by a calm, a modest, and a dispassionate manner, he does all he can to win the assent of all who hear him to what he says. Why should a speaker, under such circumstances, be always foaming along in a torrent?

torrent? Why should his language be always stiff and stately, when the very nature of his business chiefly requires that he should exert himself with modesty and good sense? I am aware that in pleadings at the bar the fire and force of diction ought generally to subside in opening the speech, in stating the case, and forming the conclusion; and when those qualities are concealed, the manner becomes then pretty much the same with that required in persuading; yet still that manner ought to be more even and gentle, instead of being more stormy and furious.

A declaimer, when he wants to persuade, is not then more than at other times to hunt after the pomp of expression; but the truth is, it will fall then more in his way than at other times. For, in fictitious causes we generally make choice of pompous characters, such as of kings, princes, people, senates. The things, too, we chuse to speak upon are more magnificent; so that if our style equals the subject, they assume a splendor from the richness of their materials. The case is different with regard to real subjects. Theophrastus is therefore of opinion, that, in all pleadings of the deliberative sort, the style ought to be as void of affectation as possible; and, though he made no scruple to differ often in sentiments from his master, yet he followed him in this. For Aristotle thought that, in compositions, the demonstrative style was most proper, and next to that the judiciary; because the former is formed for ostentation; but the judicial part requires art, even in order to impose upon the understanding, in case the interest of a party should demand it. But measures ought to rest upon honour and prudence. With regard to the demonstrative part I am entirely of his opinion; and he is supported in it by the consent of all other writers. With regard

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tation consists of an accusation and defence, which is the property of causes of controversy at the bar. A consideration of interest likewise mingles with it, Whether Pompey's death would serve Cæsar? Whether, if Theodotus was killed, Cæsar had any reason to be afraid of a war with Ptolemy? Whether such a war, at such a juncture, would not be extremely embarrassing, dangerous, and inevitably tedious? Moral considerations likewise arise upon this subject. Whether it was proper for Cæsar to revenge Pompey's murder? Whether it was not to be apprehended that Cæsar would injure the credit of his own cause, if by his conduct he should confess that Pompey did not deserve to die? Now all this kind of reasoning is applicable even in real life.

Most part of declaimers, however, have, with regard to this persuasive part, been under a capital mistake, by imagining, that when they treat such subjects, their manner of handling them ought to be the very reverse of what they practise at the bar. From this mistake their beginning is abrupt, their style always fermented, their language bedizened, as they call it, with flowers; and the notes they take when they speak in this manner, are more scanty than when they speak upon a real cause at the bar.

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suited to the facts; nay, he will meet with instances where pleadings in the courts of justice are more abridged than speeches upon public measures.

In many of such instances he will perceive them free from the blemishes that generally disgrace our declaimers, who coarsely rail against their opponents, and speak in such terms as if they were flying in the faces of those who hear them; so that they appear to be rather scolding than pleading. Young gentlemen ought to apply to themselves what I now say, lest they should fall into a manner of exercise which will be improper when they come to speak upon real causes; and thereby spend whole years upon what they must unlearn. In due time, if their friends should apply to them for advice and assistance, if they should have occasion to deliver an opinion in the senate, if their sovereign should call upon them for a consultation, experience will then teach them more than they dare to risque upon the strength of rules.

CHAP. IX.

CONCERNING AN ORATOR'S PRACTICE AT THE BAR.

As to an orator's business in a court of justice, it is various and extensive; but, in general, it consists of two duties, that of attacking, and that of repelling; and these, according to most authors, are managed by means of an introduction, or outset; a stating the case, or a narrative; the proof, or evidence in support of the case; a refutation of what is advanced by the opposite party; and a peroration, or a winding up of the whole. To these some have added a partition, a proposition, and a digression. As to the two first, they fall under the head

head of the proof. But you must necessarily, say they, at least propose what you intend to prove. No doubt of it; and are you not, necessarily, to draw your conclusion after proof? Why, therefore, should not the conclusion too be a head by itself, if the proposition is? As to partition, it is no other than a species of the division of a pleading, or oration, and it is equally diffused through the whole of all its constituent parts. As to the excursion, or, as it is more commonly called, the digression, if it loses sight of the point in question, it can be no part of the cause; if it relates to the point in question, it then serves to strengthen and to embellish those parts of the cause from whence it digressed. For, if whatever relates to a cause is called part of a cause, why are not proofs, comparisons, maxims, passions, and examples, termed parts likewise? Meanwhile, I can by no means agree with those authors, who, with Aristotle, throw refutation out of the division I have already mentioned, because, say they, it is subordinate to proof. Now, proof establishes, but refutation destroys. Aristotle likewise is somewhat singular in thinking that the proposition, and not the narrative, ought to succeed the introduction, upon a supposition that the narrative is only a species of the proposition; and that the former is not always, but the latter always, and in all cases, is necessary.

I do not, however, pretend that a speaker is to digest in his own mind all the parts of a pleading which I have laid down, in the very same order in which he is to speak them. No, his first business is to consider the nature of his cause; upon what point it turns; how he can manage it to the best advantage; and where he may be pinched. He then is to examine what he is to establish, and what he is to refute. He then is to consider how the

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Some add a fourth kind of causes, that of counter impeachments, or recriminations; but others comprehend it under the comparative kind; as likewise the cases of cross-bills, which very often happen, and may be of two kinds; one, where each party accuses the other of the same crime; the other, where the crimes alledged by each party against the other are different. The same observation holds with regard to suits.

Upon the whole, when we have throughly examined into the nature of the cause, we are then to consider, whether we are to deny, or to justify, the main matter in question; whether it is to be distinguished under another appellation, which will alter its quality; or whether it may not be set aside by some informality in the process. One or other of these must determine the state of a cause.

CHAP. XI.

CONCERNING THE CONSTITUENT PARTS OF A CAUSE.

HAVING now determined in what manner to proceed, we are to consider, according to Hermagoras, what is the point to be tried; the means of defence; upon what principle the cause is to be adjudged; and upon what it rests.

Every point to be tried is of a general kind, when two or more sides of the question can be plausibly maintained. With regard to judicial matters, they are to be considered in two lights. When the point litigated is said to contain several questions, then all those questions are understood to be its subdivisions; this is the first. The second light in which we are to consider it is, when the essence of the main question is expressed. It is of this last I am now to treat,

a complicated cause. A matter of theft, for instance, or adultery, hinging upon a single fact, constitutes a simple cause. An impeachment upon corruption may consist of several facts of the same nature. An impeachment upon sacrilege, and upon murder at the same time, consists of several facts of different natures. Causes of this complicated kind do not now happen in courts of justice, because the prætor, or chief magistrate, takes cognizance of them, according to the law that is provided in each case. But such causes often come before the sovereign and the senate; and the time has been when they came before the people. Private causes use to have a single judge who determines according to the several forms and rules which he has for his direction. The nature of such causes does not alter by one man being prosecuted by two persons upon the same fact and for the same purpose; or by two being prosecuted by one; or by several parties being concerned in the same suit, which sometimes happens in cases of wills and succession. For however the parties may be multiplied, yet the nature of the cause is the same, unless the qualities of the parties introduce into it some specialities.

A third and a different kind of causes is called comparative; and a cause may be of such a nature as to require a comparison to be part of it. For instance, after other points were pleaded before the centumviri, the question was agitated, "Which party best deserved the succession?" But it seldom happens that other public courts of justice try comparative cases singly, such as divinations, which turn upon a dispute between two parties, "Which has a right to be prosecutor in a cause?" Questions of the comparative kind often happen between informers, "Which party has deserved the reward?"

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not justify you in killing your mother. But it does justify me, replies the other. Here rests the principle of judging. As to the fundamental of this cause, take it in the words of Cicero: let us suppose that Orestes alledges in his defence, that his mother was so wickedly and unnaturally disposed towards his father, himself, his sisters, his country, and the honour of his blood and family, that her children were justified in being the principal agents to put her to death. Other examples of this kind are likewise brought. Whoever has spent his paternal estate, loses the privilege of assembling with the people. But here is a man who has spent it upon public works. The question then arising is, whether every man that has spent his paternal estate ought to lose that privilege? But the principle that is to direct the judgment rests upon the point, whether a man who has spent it in that manner ought to lose it? In the case of the Marian soldier who killed the tribune, Caius Lucius, his superior officer, while he was endeavouring to violate his body; the question is, whether he killed him lawfully? The mean of defence is, that the tribune endeavoured to dishonour the defendant's body. But the point that is to direct the judgment is, is the soldier himself to take the vengeance, or is it lawful for him to kill his military tribune?

Some think that the state of the question, and the principle of judging, ought to be quite distinct considerations. A question, for instance, arises upon the quality of an act. Is Milo to be justified in killing Clodius? But the principle which is to direct the judgment is merely conjectural, whether did Clodius way-lay Milo? They add, that a cause often slides into another matter which is foreign to the question, and even that matter is to be judged upon. I can by no means be of that opinion. The question,

question, for instance, whether all who have spent their paternal estates are to be debarred from assembling with the people, is a point that is to be adjudged. But then the question and the judgment are not distinct considerations; but several questions, and several points to be adjudged, occur in the cause. Let me ask, in the cause of Milo, does not the conjecture upon which it turns influence the quality of the fact? For if Clodius way-laid Milo, it follows that Clodius was justly put to death.

But if an orator falls into a matter that is digressive from the main question, yet still the question is the point that is to determine the judgment. Even Cicero is a little inconsistent with himself upon this head; for in his rhetoricial treatises, as I have observed before, he follows Hermagoras. But in his topics, he thinks that the point to be decided is, the difference between the two contending parties, under the circumstances of the case, and this he calls the point in issue, alluding to the profession of his friend Trebatius, which was that of the law. As to the fundamental point, he lays upon that the main stress of the defence, which must vanish, if that is taken away. Now in his oratorial partitions, he opposes the fundamental point to the defence, because it is first laid down by the accuser. In my opinion, therefore, the truest and the shortest method is, to make no difference between the state of a cause, its fundamental, and the point to be adjudged. For were it not for the fundamental point, nothing could exist to be adjudged. This to me appears to comprehend both causes in the case of Orestes; I mean, that of Clytemnestra murdering Agamemnon, as well as that of Orestes killing Clytemnestra.

But all this perhaps too curious dissertation about terms arises only from the fear I am under of appearing

pearing to the public not to have gone deep enough into the principles of this my undertaking. In the plain manner of educating a speaker, there is no necessity of carrying the pupil through all those minute circumstances. Some teachers are even too minute; Hermagoras, particularly, a very refined writer, and inimitable in most respects, but too circumstantial in his rules; yet at the same time even that fault, if it is a fault, has in it a merit.

The method I have here followed is shorter, and therefore plainer; for it neither fatigues the learner by leading him through the winding labyrinths of the art, nor does it fritter away the fabric of a style by mincing and diverting it into an infinity of useless particulars. The pleader who makes himself master of the point in controversy, of the merits of the question, of the strength of his antagonist's arguments, and of his own, and where the great stress of the cause must lie, is, in fact, master of all I have laid down in this chapter. And indeed every man of common sense, and of the smallest practice in speaking, must know what the fundamental cause is that constitutes a controversy, and what the point is that is to be debated, and to be adjudged. All which particulars come under the same head. For the point of controversy is the question that is tried and the question that is tried is the matter that is judged. But we rhetoricians do not always fix our eye upon the main point; and allured by the thirst of praise, however acquired, or by the pleasure of speaking, we wander from the main question to every foreign subject that invites us; because, within a subject, the limits are narrow; without it, they are boundless. Here we speak to what we know there to what we please. We are not, therefore, in a cause, to busy ourselves in hunting after the question, the fundamental, and the judgment, (for all

that is easy), but we are to keep the main point in view; we are to have it in our eye, through all our seeming digressions, lest we heedlessly drop our weapons, while we are gaping for applause.

The school of Theodorus, as I have observed to you before, reduces all those matters to certain heads, which comprehend several particulars. Under the first head comes the main question, and the state of the cause; under the second, the matters relative to the main question; under the third, the proposition, with the proofs to establish it. Upon the whole, however, in every thing that is to be proved, there is a head, though it may be more or less important. And because I have more circumstantially than seems needful, enlarged upon what has been delivered by other writers upon this subject, and have already explained the constituent parts of a pleading, my next book shall proceed to treat of the introduction or preamble.*

* Mr. Rollin, in his edition, has omitted the whole of this chapter, but I durst not venture to follow him. It is plain, that he considers ecclesiastics and preachers chiefly, in the edition he gives of our author; and has in general omitted every thing that is applicable only to other professions, which requires speaking in public. I am far from being insensible that a few passages of the preceding chapter are rather too speculative for practice. But as, upon the whole, it is full of excellent matter for the formation of a public speaker, besides several curious particulars of antiquity, and as I found it impracticable to abridge it, I rather chose to give it entire, than either to mangle or omit it.

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arguments, or, which is a more arduous task, of working upon his passions. Some writers fearing, should they undertake the whole system, they might sink under its weight, have chosen to handle detached members of this art; and upon each particular of it, some have published several volumes. For my part, I have been presumptuous enough to attempt giving a connected view of the whole at once, thereby undertaking a task that is almost endless; nay, I am staggered with the very thoughts of my growing labours; but as I have entered upon them, I will persevere: my spirit shall bear up, though my strength should sink.

CHAP. II.

CONCERNING THE INTRODUCTION, OR EXORDIUM OF A SPEECH: ITS PROPERTIES, MANNER, POWERS, STYLE, EXECUTION, AND CONSEQUENCES.

THE part of an oration, which the Latins call by the name of an introduction or exordium, the Greeks more properly terma προοιμιον. * Procemium, or flourish; for the Latin word signifies no more than a beginning, but the Greek word intimates it to be a part of the subject upon which they are to enter. If we suppose that this procemium was a short flourish performed by musicians before they entered upon the piece of music that was to win the prize, their orators have plainly borrowed that term

* Videlicet, a flourish in music or singing, practised by musicians amongst the antients, before they entered upon the dispute for the prize of singing, or playing.

to

a censor of his consummate sanctity has stamped with his approbation my endeavours to improve the morals of youth, what a boundless field does he open to provoke my future efforts! or what period ought I to put to my studies in order to answer the expectations of the sovereign my patron, who is all accomplished in eloquence, as he is in every noble qualification! We are not surprised at the poets, who, after invoking the favour of the muses in the beginning of their works, when they come to a passage of more than ordinary importance renew their invocations, and, as it were, begin their addresses afresh. In like manner I hope it will be pardonable in me now to perform a duty which I omitted in the commencement of this work, by invoking to my assistance all the gods, especially that deity which is second to none in being propitious to science, and favourable to learning. Let me implore him to inspire me with genius equal to that expectation which his choice has raised of my abilities; let me invoke his assistance and protection in qualifying me suitably to the distinguished honour of his patronage.

This, though it is an all-powerful one, is not the sole motive of my devotion upon this occasion, for I have another, which is, that in the future progress of this my undertaking, I may excel all that I have already executed. I am now to explain the process of judicial causes, which are many and various. I am to plan out the purposes of an introduction, the rules for stating a case, and the efficacy of proofs, whether they are intended to answer propositions, or to remove objections; I am to display the powers of eloquence in winding up a pleading, whether it is intended to serve the purpose of refreshing the memory of the judge by a short recapitulation of arguments

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to express the preamble they make use of, before they enter upon the main pleading, in order to win over the affections of their judges. If we suppose the term alludes (as the Greek word may imply) to a preparation for the main progress of a matter, the same propriety will hold; because the procemium is doubtless intended to render the judge propitious before he enters into the merits of a cause. Meanwhile, it is a wrong practice in schools always to begin a speech, as if the judge was already apprized of the merits of the cause. This absurdity proceeds from a kind of skeleton of the subject being exhibited, previous to the declamation. It is true that at the bar, when a cause has more hearings than one, those kind of beginnings may not be improper, but they seldom or never are proper at the first hearing, unless the judge before whom we plead has been already sufficiently informed of the matter.

The whole design of an introduction is, to prepare the hearer, so as that he may the more favourably attend throughout the whole of our pleading. The principal means of effecting this, as appears by many authors, are three; by rendering him kind, attentive, and tractable; qualities that ought to be kept up in him through the whole of the pleading; but are chiefly necessary at its setting out, because they secure our farther progress in the affections of the judge.

With regard to kindness, we either raise it from persons, or it comes to us from the nature of the cause we plead; but we are not, with most authors, to confine the number of persons interested in a cause to three; the prosecutor, the defendant, and the judge.

For even the person of a pleader may furnish out proper matter for an introduction. It is true, he is to speak sparingly and modestly of himself; yet if he

has the character of being a worthy man, the whole of the cause will be greatly influenced by the consideration of his person. For in that case he will be considered rather in the light of a faithful evidence for truth, than of a zealous advocate for a party. His first business, therefore, is to introduce himself as a pleader for his client, upon the footing of duty, relation, or friendship; but above all, let him, if he can, bring in his regard for his country, or some such other important consideration, as his motive for appearing there. If this is proper for an advocate, it is still far more so for a party, in order to give his prosecution the air of patriotism, virtue, or even necessity.

As the authority of the pleader is of very great efficacy, if, in the business he undertakes, he is far removed from all suspicion of covetousness, resentment or ambition; so, our representing ourselves as being mean, and unequal to the abilities of our adversaries, as Messala generally does in his introductions, procures us a secret recommendation. For we naturally are prejudiced in favour of the weak and the oppressed; and a conscientious judge always with the greatest pleasure hears that pleader, who speaks as if his designs were not to warp, but to inform, his judgment. Hence proceeded the antient practice of slyly concealing their powers of speaking, which is so widely different from the swaggering manner of modern pleaders.

We are likewise to shun all appearances of affronting, reproaching, overbearing, or railing at any man, or body of men, especially of such as cannot be attacked without raising to ourselves an enemy in the breast of the judge. As to the judge himself, it would be mere folly, did not the thing sometimes happen, for me to enjoin, that nothing should be thrown out openly, nay, not by the most distant insinuation,

insinuation, that can be wrested so as to give him offence.

Even the person of the advocate for an opposite party may afford matter for an introduction. This may be sometimes practised so as to do him honour, by pretending ourselves afraid of his eloquence and interest, so as to render the judge jealous of him on those accounts. Sometimes, but very seldom, we are to treat our opponent with contempt; thus, Asinius, when he pleaded for the heirs of Urbinia, ranked the person of Labienus, who was the advocate on the other side, as one of the proofs of a bad, indefensible cause. Cornelius Celsus does not admit this way of speaking to be a procemium or introduction, because it does not relate to the matter in contest; but I am justified by the greatest authorities, in thinking, that whatever relates to the person of an advocate, must relate to the cause in which he is concerned; because it is a natural consequence that a judge will believe, with the greatest readiness, those advocates whom he hears with the greatest willingness.

As to the person of the prosecutor, I can lay down no fixed rule how he is to be treated. His dignity may be acknowledged, but proper mention may be made of his weaknesses. Sometimes there may be occasion to speak of his merits, and upon these another person may enlarge more decently than he can himself. Great regard is likewise paid to sex, to age, and to rank, in the cases of women, old men, and of wards, when they plead for their children, their relations, or their husbands. For compassion is the only motive that can influence an upright judge; but these are matters that ought to be judiciously sprinkled, and not profusely wasted, upon the introduction.

We

We are to attack the person of our adversary by the very reverse applications. If great and powerful, he is to be rendered obnoxious; if humble and helpless, contemptible; if wicked and guilty, detestable; three qualities that, of all others, operate the most powerfully in alienating the affections of judges. But the plain expression of them is not enough, for that may be performed even by the unlearned. The cause itself will express them, but it is for the orator to exaggerate, or to extenuate, as he sees proper.

We may win over a judge, not so much by that practice which is in common to both parties, that of praising him, and which ought to be done, but with discretion, by connecting his merits with the interest of our cause. We are to recommend the noble to his dignity, the helpless to his protection, the unhappy to his compassion, and the injured to his justice; and so of all other cases.

It is proper, if possible, for the pleader to be acquainted with the manners of a judge, whether they are severe, gentle, agreeable, grave, unrelenting, or easy; that where they suit, he may make advantage of them for his cause, or mollify them when they are repugnant.

It happens sometimes that a judge may be prepossessed against a pleader, and favour his opponent; such dispositions claim the attention of both parties, but perhaps the party whom he favours has the most delicate point to manage. For judges are sometimes so absurd, as, for the sake of avoiding the appearance of injustice, to commit it in reality, by deciding against those they love, in favour of those they hate.

We have known instances of men being judges in their own cause. In the books of observations published

bodily to rely on the merits of his cause,
his adversary has some reason to be afraid of
udge's delicacy.

the judge brings along with him to the bench
prepossession with regard to a cause, it is the
ess of an advocate to combat or confirm it, as
akes for him or against him. Sometimes a
er has occasion to fortify his judges against all
hensions of danger; as Cicero, when he pleaded
filo, exerted himself in persuading his judges,
Pompey's guards were not drawn out to over-awe
. A pleader may sometimes have occasion to
st the fear of danger, as Cicero did on the trial
rres. But this must be done with discretion,
n two manners; the one, which is common,
tenderness and concern for the reputation of
udges, lest they should forfeit their credit with
countrymen, or lest the cause should be carried
e another tribunal; the other manner, which
dom practised, must be performed by asperity
esolution, by threatening to prosecute them for
ption in their office. The more numerous the

icero.] The commentators have here observed, that Cæsar
lge in his own cause when Cicero pleaded for Marcellus,
s and Deiotarus; but I am of opinion that some particular
ot come to our hand, is here alluded to, for all those three

court is this may be done the more safely; because thereby the wicked will be checked and the virtuous will be encouraged; but before a single judge I am against the practice, unless the case be desperate to all other remedies. But in a case of such necessity, an orator's business is at an end, and he is only to appeal to a higher tribunal; and that often is of service: or he may impeach him of partiality before he gives sentence. For with regard to threatenings and accusations, any one, as well as an orator, may carry them into execution.

If the cause itself should furnish us with matter for conciliating the favour of the judge, we ought to select such parts of it for the introduction as are most favourable for that purpose. There is no occasion here to point out those parts, because they are self-evident, and known upon the very face of every cause, and it is impossible, in such a variety of cases, to collect them together. But as it is serviceable in a cause to find out and improve its favourable parts, so it is equally expedient to confute and extenuate whatever can hurt it.

Compassion, likewise, may be excited from misfortunes which we have suffered, or are about to suffer. For I do not agree in opinion with those who hold that the difference between an introduction and a conclusion consists in the latter recapitulating what is past, and the former foretelling what is to come. I think that, in the introduction, we are to touch upon the compassion of the judges with a sparing and a gentle hand; but, in the conclusion, we are to open the very flood-gates of the passions; we are to organize shadowy beings, we are to raise the dead and produce the pledges they have left behind them; things that cannot come properly into an introduction. But all this is designed, not only for moving the passions, but for dissipating the

nd he gain it.
ut it is common to introduce pleadings not with
ers immediately relating to the cause or the
ons, but connected with them. Not only the
ges I have already mentioned are applicable to
ons, but relations, friends, nay, sometimes cities
countries, and whatever may be supposed to be-
to the person of a client, may be of service to his
e. The times, though not connected with it,
be properly introduced, as we see in Cicero's
ding for Cælius. The place; as in that for
otarus: the circumstances of the trial; as in his
on for Milo: common fame; as in his impeach-
t of Verres. In short, not to enumerate every
cular, we may, with propriety, introduce the ex-
ations of the people and the reputation of the
ts of justice; all which are matters that are no
of the merits of the cause, and yet they belong
. Theophrastus mentions an introduction which
be taken from a foregoing pleading; such is
of Demosthenes for Ctesiphon, in which he
that he may be allowed to answer in the manner
himself shall think most proper, without being
ad down to the method prescribed by the ac-
r. An overbearing air generally disgusts, through
appearance of arrogance. On the contrary,

monstrances, and carrying through the whole evident marks of pain and anxiety.

When a thing appears unprecedented, important, dreadful, and exemplary, it generally fixes the attention of the judge, especially if the pleader can connect with it his interests, and that of the public; for then his passions are to be touched with every motive of hope, fear, counsel, intreaty, nay, of vanity, if we think that can serve our purpose. In order to awake his attention, it may likewise be proper to persuade him that our pleading shall be very short, and contain in it nothing but what shall be immediately to the purpose.

Even the attention of a judge, doubtless, shews his docility or readiness to be informed; and he will still be more tractable, if we can briefly and perspicuously state the point that is to come under his cognizance; a method which Homer and Virgil made use of in the very outset of their poems. Now, the way to do this is to give it the air, not of a declaration or exposition, but of a proposition; and for the orator to lay down, in general, the main point he is to speak to, without entering upon the particulars that are to prove and enforce it. I think I cannot give a better example to this purpose than the opening of Cicero's pleading for Cluentius. "I have observed, my lords," says he, "that the whole of the prosecutor's pleading is divided into two parts; in the first he hinges, and lays great stress upon the odious determination given by Junius, which has already made so strong an impression upon the public. The other part, which contains the main stress of this cause, he has touched upon with caution and distrust, and merely for form's sake; I mean the matter of the empoisonment." At the same time it must be owned that this manner is more practicable for him who is to answer than for him

ne of the arguments they bring for this opinion: se, say they, where a cause is likely to go t us, it may be improper to explain it. But ircumstance may be owing rather to the judge misled, than to his want of attention. For we uppose that our opponent has already finished ading, and that he has brought the judge over opinion. If that is the case, is it not neces- r us to endeavour to make the judge alter his n? And how can we do that without render- n attentive and ready to be informed of all we o offer? What is the consequence? Why, we metimes to vilify, sometimes to aggravate, nay, imes to put on an air of contempt, in order to the judge from the sentiments he entertains in of our adversary. This was done by Cicero pleading for Ligarius. For what purpose does ry of words, and his agreeable raillery, serve in t pleading, but to make Cæsar believe that the was not new in itself, and that it did not so concern him as he might imagine? What e do in his pleading for Cælius, but shew that me he was charged with was not near so im- t as it was given out to be? but it is evident, f all the rules I have here laid down, some plicable to one sort of causes, and some to

sorts, the noble, the mean, the doubtful, the surprising, and the dark. To these some have thought proper to add the scandalous, while others comprehend it under the mean, and others under the surprising. Now, the property of the surprising is an event that happens contrary to human foresight or opinion. In the doubtful kind, the business of an introduction is to render the judge favourable; in the obscure, docile; and in the mean, attentive. The nature of a noble cause will, of itself, be sufficient to win him over; but those that are surprising or scandalous, must be palliated by art.

For this reason, some divide an introduction into two parts, a beginning, and an insinuation. In the beginning, we make a plain, downright request for the kindness and attention of the judge. But, as this never can succeed when the cause is of a scandalous nature, we are then to insinuate ourselves into their affections; especially if it has an ignoble appearance, either on account of its being dishonest in itself, or because the public is prepossessed against it; or if it is stigmatised even upon

this passage in the translation, because the literal meaning of the words stands in flat contradiction to what our author laid down in the fourth chapter of the last book, where he makes the kinds of causes to be only three. This inconsistency is attempted to be apologized for by by commentators, but, I think, with no great success, because it is too glaring to be defended. Meanwhile, as no writer, upon the whole, ever excelled our author in perspicuity and accuracy, I must attribute the blemishes and inconsistencies of the kind I here take notice of, to the lamentable degeneracy of learning which immediately succeeded his time. His great reputation as a teacher of rhetoric, made the whole herd of the ignorant professors of that art consider him as their master; and it is to their interpolations and alterations, that we are to attribute most of the blemishes we discover in Quinctilian. Add to this, that, even in his own life-time, many inaccurate editions of his works were published without his knowledge or consent, which might, through the ignorance of editors, professors and transcribers, infect the genuine edition, which, I am persuaded, has never yet been recovered.

its

:am professors are very verbose in laying down
'eral remedies which are applicable upon such
ns. They form supposititious causes, which
nanage, and plead to, as if they were real
. But as those pleadings have their source
nfinity of causes, which can be comprehended
nder general precepts, it is impracticable to
y particular detail that can comprehend them
ll, therefore, that a pleader can do, is, by
n good sense, to suit his manner to the several
ns that may occur.

rule I do recommend, as being universal,
is, that a pleader is to fly from what can hurt,
t can serve his purpose. If he is hurt by his
let him call in the party; if by the party,
n dwell upon the cause; and if he finds no-
:hat renders his cause favourable, he is then
eavour to wound his opponent in the most
e part. If possible, let him conciliate kind-
next to that, let him extenuate hatred. Where
t is too stubborn to be denied, let him endea-
o shew, either, that it was not so bad as it was
out; or, that the intention is misconstrued;
t it is not applicable to the present purpose;
t repentance may atone for it; or, that it
en sufficiently punished already. An advo-

mus, in order to win over the attention of the judges, assumes all the air of impartiality, by seeming to put even his client in the wrong, that he may gain the more belief when he comes either to defend or to deny the facts. A main consideration, therefore, with a pleader, is, whether he ought to speak in the character of an advocate, or of a party, when he can assume either with equal propriety. Now, it often happens in schools, but seldom at the bar, that a party can speak with decency in his own cause. But the business of a declaimer is to introduce, in the characters of the parties themselves, those causes that chiefly turn upon the pathetic and moving. Such a pleading cannot be properly intrusted to any other character, because we are always to suppose that the emotions of mind in the party concerned, are stronger than those of any other person who is more indifferent.

The practice of insinuation is likewise proper, when the minds of the judges are prepossessed by the pleading of our antagonist, or if we are to speak when they are quite tired out. In the first case, we succeed by promising to bring our proofs, and to destroy all that has been advanced against us; and in the second, by promising to be very short, and by an application of those rules which I have already laid down for winning the attention of a judge. A well-timed piece of wit gives likewise great relief to the spirits, after a long hearing; and the mind of a judge is refreshed by whatever gives it pleasure. It likewise has no bad effect when we prevent an objection, as Cicero does in his oration, when he says, that "he is sensible some people are surprised that he, who had for so many years, appeared in the defence of many, without attacking one, should now become the impeacher of Verres;" and then he proceeds to shew, that, in prosecuting Verres, he does

no

no more than defend the allies of Rome. This method is, by the Greeks, termed προλήψις.

But as it is not enough for me to point out the utility of an introduction, or exordium, without instructing the learner in what manner he is best to compose it; I am here to add, that before he begins his pleading, he is duly to consider what he is to say; before whom, and against whom, he is to plead; the time, the place, the circumstances; the prepossessions of the public with respect to his cause; what are the private sentiments of the judge upon the matter, before he begins to plead; and then, what he is to desire, what he is to guard against. As to the manner in which we are to begin, we shall be led to it by the very nature of the cause. Our present practice is, to term the first words we begin with an introduction; and every pretty expression that comes uppermost, serves with us for an exordium. It is, however, certain that great part of the exordium should be brought from what is common to the whole of the cause; and yet nothing makes so good a figure in an exordium, as that which cannot be introduced into any other part of the discourse with equal propriety.

An exordium appears with the greater grace, if the matter of it is suggested by our opponent's pleading.* For then it does not appear to be a set form of words drawn up in our study, but com-

* Opponent's pleading.] I am pleased that I can bring from the pleading of an English lawyer as fine an example of this as perhaps is to be found in all antiquity. It is the introduction of Mr. Wearg's (afterwards Sir Clement Wearg) reply to the defence made by the late Bishop of Rochester and his counsel, and which is as follows; "It must be admitted, that the reverend prelate at the bar has made his defence with the utmost force and beauty of eloquence. Was I capable of answering it in the like manner, which I own I am not, yet I should not think myself at liberty to do it, under the present circumstances. For though it may be excusable

posed upon the spot, and on that very occasion; and thereby the pleader acquires a great character for his ready wit, and a great regard is paid to what he says by his manner of speaking, which appears quite natural, and arising from the preceding pleading. Nay, supposing all the rest of his discourse to be drawn up with care and attention, yet it generally runs on to the hearer, as being pronounced extempore, because he could perceive nothing that was studied in its outset.

It very often happens that the modesty of sentiment, of composition, of voice, and countenance, gives a grace to an introduction; nay, it is wrong in a pleader to discover too much confidence, even when he has undeniably the better of the argument. A judge generally hates a party that throws out defiances; and as he is sensible of his own power, he silently expects that a deference should be paid to his authority.

We are carefully therefore to guard against all suspicion of design in the outset of our pleading, which ought to be void of all manner of ostentation, because a judge considers the arts of speaking, when they are apparent, as so many snares thrown out for his understanding. "The perfection of art therefore is to be artful enough to avoid all appearance of art." But this universal and indeed excellent precept has been altered through the degeneracy of taste in our age, because in certain trials, especially capital ones, and even before the Centumviri,* the judges themselves

excusable for a person upon his defence to make use of that powerful instrument of error and deceit, which always imposes upon the reason, and misguides the judgment in proportion as it affects the passions; yet I cannot think the same methods justifiable in a person employed to carry on the prosecution."

* Centumviri.] This was a court originally instituted for matters of private property and of small consequence; but commentators

ard to prescribe any bounds for this practice,
e best mean, I think, we can observe is, to
ır pleading an appearance of accuracy, without
, and of skill, without cunning.

. an old rule in rhetoric to admit into an intro-
n no expression "that is uncouth, that is too
metaphorical, that is antiquated, or that bor-
pon poetical licence." For in the introduc-
e are to consider ourselves as not yet admitted
freedom of speech, and as being, in a manner,
ed in by the new-raised expectation of our
s. But when we have won over their affec-
when we have warmed their passions, then
e venture to expatiate; especially when we
ıpon those regions of eloquence, those rich,
;ay regions, where all is radiance, and where
ams of beauty all around hinder the eye from
out the licentiousness of expression.*

introduction of a pleading ought to resemble
ither of its argumentative, its sentimental, or
lanatory parts. Meanwhile, it must neither
finely spun, nor too far fetched; it ought to

gine, from this passage, that in Quinctilian's time they
nizances of capital causes; but I see no reason for that
ion, if we read the original as I have translated it, accord-

court is this may be done the more safely; because thereby the wicked will be checked and the virtuous will be encouraged; but before a single judge I am against the practice, unless the case be desperate to all other remedies. But in a case of such necessity, an orator's business is at an end, and he is only to appeal to a higher tribunal; and that often is of service: or he may impeach him of partiality before he gives sentence. For with regard to threatenings and accusations, any one, as well as an orator, may carry them into execution.

If the cause itself should furnish us with matter for conciliating the favour of the judge, we ought to select such parts of it for the introduction as are most favourable for that purpose. There is no occasion here to point out those parts, because they are self-evident, and known upon the very face of every cause, and it is impossible, in such a variety of cases, to collect them together. But as it is serviceable in a cause to find out and improve its favourable parts, so it is equally expedient to confute and extenuate whatever can hurt it.

Compassion, likewise, may be excited from misfortunes which we have suffered, or are about to suffer. For I do not agree in opinion with those who hold that the difference between an introduction and a conclusion consists in the latter recapitulating what is past, and the former foretelling what is to come. I think that, in the introduction, we are to touch upon the compassion of the judges with a sparing and a gentle hand; but, in the conclusion, we are to open the very flood-gates of the passions; we are to organize shadowy beings, we are to raise the dead and produce the pledges they have left behind them; things that cannot come properly into an introduction. But all this is designed, not only for moving the passions, but for dissipating the

speech, by means of this figure, all the spirit,
l the animation we can give it? For the
upon this art have not put a negative upon
eing an illicit, but as being a bootless figure.
it may be practised with advantage, the very
for forbidding it ought to be a reason for
ing it. Does not Demosthenes introduce an
by addressing himself to Æschines, who was
tagonist? And amongst other occasions, upon
Cicero thought this figure proper, in the begin-
f his oration for Ligarius, he addresses himself
ero; and indeed had he made use of any other
, his pleading must have lost great part of its

Any one may be sensible of this, who shall
to the judge the whole of that animated intro-
n, you have therefore, Tubero, the greatest ad-
e that an impeacher can wish for, and so forth.
ien the sense will seem to be quite reversed,
ie whole spirit of it to evaporate. Tubero, there-
as the greatest advantage that an impeacher can
for. For Cicero's manner is urgent and instan-
us, the other is only a cold information. We
bserve the same in Demosthenes, by giving it
rent turn. How is it with Sallust? Does he
n setting out, immediately address himself to

Cicero, against whom he is pleading? Heavily, say he, and with an unquiet mind, would I suffer th railings, O Marcus Tullius. And Cicero observes th same method in the introduction of his invective against Catiline. How long, O Catiline, wilt thou abuse our patience?

But to take off all surprize with regard to an apos trophe, Cicero makes use of it in his pleading fo Scaurus, who was accused of corruption, by speak ing in another character. We have examples of i likewise in his pleading for Rabirius Posthumus, an in that for the same Scaurus, when he was indicte for oppressive practices; and likewise in that di vision of his oration, which I have already observed when he defended Cluentius. Yet do I not say tha though this figure may be made use of with advan tage sometimes, it is always to be employed: no; i must be made use of as discretion shall direct. An in like manner we may avail ourselves of similies provided they are short; and of metaphors, and othe figures of speech, all which are prohibited by thos very cautious and scrupulous professors; unless w disapprove of the divine irony that Cicero make use of in the case of Ligarius, which I mentione some time ago.

It is with greater justice that the same professor point out real defects in introductions. An intro duction that may, with equal propriety, suit a thou sand other causes, is called a hackneyed one, an yet though seldom or never well received, such intro ductions are sometimes attended with some advan tages, nay, great orators have been often known no ashamed to use them. When one makes use of a introduction, which may equally serve his antago nist, they term it common. When your adversar may avail himself of your introduction, it is calle commutable. When it has no relation to th

cause

cause, detached; when brought from another subject, transplanted; and when an introduction is too long, it is said to be erroneous. These, however, are faults that generally are not confined to the introduction only, but run through the whole of the pleading.

The observations I have now made relate to the introduction as often as it is made use of, which does not always happen. For sometimes it is unnecessary; for instance, when the judge is sufficiently prepared without it, or if the matter is such as to require no preparation. Aristotle is of opinion that the whole business of an introduction is superfluous before a judge of sense and integrity. Meanwhile, I am to observe that circumstances may happen, which may put it out of our power to make use of an introduction, even though we are so inclined; for instance, when the judge is in a hurry of business; when we are pinched for time; or when a higher power obliges us at once to enter upon the merits of the cause.

On the other hand, the business of an exordium may fall into other parts of a pleading than the beginning. For we sometimes bespeak the attention and the favour of the judges, while we are opening the case, and bringing proofs; a practice which Prodicus thought proper for arousing them, when they begin, as it were, to nod over a cause. Cicero falls into this practice; Then, says he, Caius Varenus, the same who was killed by the slaves of Ancharius, give me leave to say, my lords, that what I have to lay before you, claims your utmost attention. In like manner, if a cause is made up of various circumstances, every part of it requires to be prefaced; thus, now my lords, attend to what follows; or thus I now proceed to the next particular. Nay, when we are establishing our proofs, we may fall in with various

rious circumstances, that serve for the same purposes the introduction does. Instances of this may be found in Cicero's pleading for Cluentius against the censors, and in the apology he makes to Servius, in his pleading for Muræna. But this practice is so frequent, that I need bring no examples to confirm it.

But as often as we make use of an exordium, whether we go on to state or to prove our case, the end of our introduction ought always to be such as that it naturally may fall in with what is immediately to follow.

As to the practice of declaimers in schools, it is tasteless and trifling; for when they are to make a transition, they tack the one part to the other, by some notable sentiment, and by this kind of slight of tongue they look for applause. This was Ovid's method in his Metamorphoses, but he was compelled to it by necessity, because the professed design of his work was to join together into one system, and one continued narrative, matters the most opposite that can be conceived to one another. But why is an orator to steal a transition of this kind? Why is he to impose upon a judge, when it is his business to awaken his attention to facts as they lie in their natural order? For the first part of a case must be lost upon a judge, if he does not know that you are stating it. Therefore a pleader's best method is, neither to tumble abruptly into the opening of his case, nor steal into it mysteriously.

If the exposition or opening of the case should chance to be under any disadvantages through its length or perplexity, the judge ought to be apprized beforehand even of that. Nay, this is a frequent practice with Cicero, especially in his pleading for Cluentius, when he says, I must now retrace far back the matter I am to prove, and while I am doing

doing this, my lords, I beg your patience and favourable attention; for when you are thoroughly masters of the beginning of this matter, you will be the more ripe to form a conclusion. And here I close what I had to say upon the subject of an introduction.

CHAP. III.

CONCERNING THE NARRATIVE, OR STATE OF THE CASE.

The most usual, and indeed the most natural and proper method is, for an orator, after he has prepared the mind of a judge, in the manner I have already laid down, to open and state the case upon which he is to speak. This we call a narrative. Here I shall, on purpose, slightly touch upon the many over-nice distinctions which some make by multiplying narratives into a great many kinds. For, not contented with requiring the state of the subject-matter that is to be tried, they insist upon an exposition of the person; as for instance, supposing one Marcus Acilius to be the person, we must lay him out to be of mean extraction, and a picentine, to be clamorous but not eloquent. They tell us likewise that we are to state the situation of a place; for instance, Lampsacum, my lords, is a town in the Hellespont. And of a season, as in Virgil:

> In early spring, when from the hoary hills
> The melting snows descend in gentle rills.

They require likewise an opening or exposition of causes, which is very frequent with historians, when they are explaining the rise of a war, a sedition, or a pestilence. This is not all, for they make a distinction

tinction between perfect and imperfect cases, matters that are obvious to the meanest capacity. They likewise add, what is very common, a state or exposition of past times, and likewise of the present, as Cicero does in the case of Roscius of Amerium, when he make his observations upon the effects which his naming Crysogonus* had upon his friends. We are likewise told of an exposition of future times, which properly belongs to a spirit of prophecy. The painting a thing as if it were immediately transacting before us (called by the Greeks ὑποτύπωσις) is only a manner, but not the substance of a narrative. But I now proceed to what is more material.

Many authors think that a pleading should consist entirely in narrative; but many arguments destroy that opinion. In the first place, some causes are so very short that they rather consist of a single proposition, than require a narrative, or a state of the case. This sometimes happens to be the case on both sides, either when the cause requires no explanation, or when they agree upon the matter of fact, but differ upon the matter of law. This happened in two cases before the centumvirs; in the one the question was, Whether the son or the brother should succeed to the estate of a person who died without a will. The other was, Whether puberty was to be reckoned according to a certain number of years, or a certain habit of body. It may likewise happen, that a cause may properly admit of being stated, yet the judge may be apprized of

* Chrysogonus.] The Orig. Qualis est Ciceronis de discursu omicorum, Chrysogonus postquam est nominatus. Commentators have perplexed this passage, in supposing it to be intended by Quinctilian as a quotation, whereas, in fact, it is only a narrative of an effect. The passage in the original may be seen in p. 45. vol. 3. of my translation of the Orations.

every

every thing beforehand, or it may be fully opened in a former pleading.

A narrative is likewise sometimes omitted by one or other of the parties; but most generally by him who brings the action, either because a simple proposition is sufficient for his purpose, or because such an omission is most advantageous to his cause. For instance, it is sufficient if a party says, I lent my money, and I demand it back according to my agreement with the borrower. Or, I demand what my friend has left me by his last will and testament. In those two cases, the stating the facts belongs to the defendants, that they may shew the plaintiff's claims to be unjust. It may likewise be sufficient, and most expedient, for a prosecutor to open his cause thus; I say that Horatius has killed his own sister. For this single proposition gives the judge a full information of the fact that is alledged, and it is the business of the opposite party to state its rise and progress. On the other hand, an accused party has no occasion to enter upon a narrative when the charge brought against him can neither be denied, nor defended, and when the whole question turns upon a point of law. For instance, a man steals out of a temple a sum of money belonging to a private person, and he is accused of sacrilege. In such a case it would be more decent in the prisoner's advocate to admit than to explain the fact. We do not, says he, deny that the money was carried out of the temple, but the prosecutor alledges that the defendant is liable to the penalties of the law against sacrilege, though the money was a private, and not a sacred deposit. You, my lords, are to judge of this single point, whether he has been guilty of sacrilege.

But though I am of opinion that any state of the case would be improperly introduced into a cause of

of this kind, so I differ from those who think that a narrative never ought to be introduced, when a party has no other defence, than denying the charge brought against him. Cornelius Celsus is of this opinion, who admits no state of the case in most of the defences made against the charges of murder, corruption or oppression; and in no case but where it contains the sum of the charge that is to be tried, *as laid out by the prosecutor.** Meanwhile, Celsus himself admits that Cicero, in his pleading for Rabirius Posthumus, states the case, though he denies that Rabirius ever received the money for which the impeachment was brought against him, without saying a single word in all his narrative about the charge that was to be tried.

For my part, I have great authorities on my side, for thinking that, in public trials, narratives are of two sorts; one, in which the cause itself is opened; and the other, in which the circumstances relating to it are explained. I am not guilty of the murder, is a defence that requires no narrative. I admit that it does not; but it admits of many, and those sometimes tedious, expositions concerning the proofs of the charge, concerning the former life of the party, concerning the reasons why a capital charge is brought against this innocent person, and concerning other reasons which impeach its probability. For, the prosecutor is not contented with simply saying you have been guilty of murder. No, he opens his proofs, he lays out the arguments that are to fix the charge. Thus, upon the stage, when Teucer impeaches Ulysses of the murder of Ajax, he says that he found him in a solitary place, with his sword bloody, and near the breathless body of his enemy. But Ulysses endeavours to refute this

* I have added the words that are in italics, because I think my author's meaning requires them.

charge,

charge, not only by denying the fact, but by shew ing that he had no enmity with Ajax, and that the dispute between them was merely a point of glory. He next explains the manner of his coming into that solitary place, and how, when he saw the lifeless body lying upon the ground, he drew the weapon out of the wound. From these premises he forms his defence But a defence, even upon the following charge requires a narrative. Says the prosecutor, You was upon the spot where your enemy was found killed. It is not sufficient to deny this fact, in order to disprove it; for you must shew where you was at that time.

Upon the whole, I am of opinion that defences against prosecutions for corruption or oppression admit of more narratives of this kind, nay, of as many as there are crimes charged upon the party; for it is not enough to deny the crimes without attacking, by proofs and arguments, the state of the case, as laid down by the opposite party, sometimes particularly, and sometimes generally. Can it be improper in a person who is accused of corrupt practices, to acquaint the court with the characters and qualities of his ancestors, and with his former manner of life; and then to shew the pretensions, from his own and his family's merits, which induced him to stand for the office? Or, when a man is accused of oppression, will he not find his advantage in giving a detail of his past life, and the causes that exposed him to the resentment of a whole province, of a single accuser, or of a witness? All this is as much a narrative as is that of Cicero in his first pleading for Cluentius, where he never once touches upon the matter of poisoning, but lays out the causes why his mother became his enemy.

Some circumstances may relate to a cause, without being essential to the state of the case upon which

the cause turns. For example, in Cicero's pleading against Verres, he mentions Lucius Domitius, who hanged a shepherd who confessed that he had made use of a hunting-spear* in killing a wild boar, though he made a present of that very boar to Domitius. Or a narrative may be thrown in in order to extenuate some foreign charge, as in Cicero's pleading for Rabirius Posthumus. "For, my lords, when he came to Alexandria, the king's only purpose of trusting him with the money was, that he might take upon him the care of his person and defray the expences of his court." Or a narrative may be introduced for the sake of aggravating matters, as Cicero does when he describes the procession of Verres. It may be as proper, sometimes, to introduce a fictitious narrative, in order to awaken the attention of the judges; as Cicero does in his pleading for Roscius against Chrysogonus, which I have just now taken notice of. It may sometimes be proper to put the bench into good humour by a few strokes of wit, as the same orator does in his pleading for Cluentius against the brothers, the Cepasii. A narrative sometimes, by way of digression, serves to embellish a pleading. Thus Cicero, in one of his orations against Verres, makes mention of Proserpina: in these very places, says he, we are told that the mother searched for her daughter. All the observations I have now made tend to prove, that the party accused, denying the fact, may properly enter upon a narrative, nay, into a narrative of the very fact that he denies.

But the reader is not simply, and without any reserve, to understand the rule I have laid down, that

* This circumstance is mentioned by Cicero in his fifth pleading against Verres. It seems, Domitius hanged the man because, being a slave, it was unlawful for him to make use of any offensive weapon.

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the judge, but to bring him over to our rea-

Therefore, though we may not need to in-
judge, but to give him certain impressions,
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his place upon the bench: sometimes, that
e by-standers may be fully apprised of the
e of what our adversaries advance. In all
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earers who are already acquainted with all
ticulars we lay down, by diversifying our
e by a variety of turns and figures of speech.
ample: Surely, my lords, you remember.
haps it may be needless to dwell any longer
his matter.—But I am explaining a thing
you, my lord, know much better than my-
But you are no stranger to that affair.

s often been doubted, whether the narrative
mmediately to succeed the introduction. They
ve maintained the affirmative, are not desti-
arguments to support their opinion. For

place of a narrative. Supposing their theme leads them to impeach a jealous husband for using his wife ill, or a beastly fellow* whom they accuse for immorality before the censors. In such cases, where has the pleader any room for a narrative, when the whole charge may be sufficiently pointed out by a single expression, which may stand in any part of his speech? But of this enough; I now proceed to the method of forming a narrative, or stating a case.

A narrative† is an exposition of a matter, in which is contained either an affirmation or a denial of a fact, in that manner which is most proper to persuade the hearers to agree with the speaker. Or as Apollodorus defines it, it is a speech calculated to make the hearer master of the point in dispute. Most writers, the followers of Isocrates particularly require a narrative to be concise, perspicuous and probable. I am of the same opinion, though Aristotle differs from Isocrates in one respect, for he ridicules the quality of conciseness, because, he thinks, there is no medium, and that a narrative must of neces-

* Orig. Cynicum] Commentators and translators have suffered this word to pass for cynic, which I think cannot be our author's meaning, according to the idea we have of that term, which in English and French signifies no more than a sour, snarling, morose fellow. I have therefore taken advantage of the literal signification of the word, in order to render it a proper subject of impeachment before the censors.

† A narrative] Orig. Narratio est rei factæ, vel ut factæ utilis ad persuadendum expositio. Though this is the reading approved of by Rollin, Gedoyn, and the generality of commentators, yet I cannot help agreeing with the margin of the edition printed by Robert Stephens, which instead of ut factæ, reads non factæ. The non probably was thrown out from the supposed absurdity of stating a fact, that was not a fact. But as our author has been at great pains to prove that a narrative may be proper for a party that affirms a fact did not happen, and as this definition is plainly formed from his reasoning on that head, I have given my translation such a turn, as to agree with the reading non factæ.

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sity be either long or short. The followers of Theodorus likewise, leave out conciseness and perspicuity, because they think, that it may not always be for a party's advantage, that his case should be concisely and perspicuously stated. I shall therefore take care to distinguish the different kinds of narratives, and show where each can be most advantageously employed.

Now a narrative must either be wholly in our favour, or wholly in favour of our opponent, or partly both. If it be wholly in our favour, we are then to give it the three qualities, by which the judge may most readily remember, comprehend, and believe it. Let none blame me if I recommend to a pleader, even when the narrative is entirely in his favour, to clothe truth itself with probability. For we are to reflect, it often happens, that cases are true, and yet not credible; when others are false, and yet probable. Therefore we are to be as solicitous in winning the belief of the judge, when we are explaining a truth, as when we want to establish a fiction.

The qualities that I here recommend, ought to prevail through all the other parts of a pleading; for through the whole of it we ought to avoid obscurity, extravagance, and improbability. Meanwhile, I would chiefly recommend it in a narrative, because a judge depends on that for his first information, and if it should happen that he should not remember, or not understand, or not believe what we say, it may be next to impossible to set him right in the subsequent part of the pleading.

Now a narrative cannot fail of being plain and perspicuous, if it sets out with such expressions as are proper and significant, but neither vulgar, finical, nor uncouth. In the next place, it must carefully distinguish facts, persons, times, places, and causes, and

and even the speaker ought to deliver it in the manner that is best suited to make the judge understand him with ease.

This last is a quality which many of our pleaders neglect; for they cannot endure the awful silence of attention, but court the shouts of the mob that is either hired to applaud them, or stands round the tribunal by accident. Such pleaders think they are never eloquent, unless they are shaking the whole court by their mouthings and vociferation. They imagine that to open, and to state a case in language which other people uses, belongs only to the illiterate and the vulgar; and yet it is hard to say, whether, though their will did serve them, their abilities could, in going through this task, cheap as they seem to hold it. For the most experienced in the practice of eloquence, find nothing more difficult than to speak what every one who hears it thinks he himself would say upon the same occasion; because such speeches are considered by the hearers, not as being artful, but true. Now, an orator never speaks so well, as when what he says is believed to be truth. But the present mode is, for an orator, when he prances into the field of narrative, to set up a neighing, to cock his ears, to caper about with all the symptoms of extravagance and wantonness throughout all his facts, expressions, and discourse. The consequence is monstrous; many are pleased with his action, but none understand his meaning. But enough of this, lest I get more ill-will by blaming what is faulty, than approbation by recommending what is beautiful.

A narrative must be concise, if we begin with explaining the very point, which is to come under the cognizance of the judge. In the next place, if we say nothing that is unconnected with the cause; and in the last place, if we retrench all circumstances

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them seem as short, or as little tedious, as possible. One mean of making them seem shorter is by deferring your recital all you can, and yet mentioning the particulars which you defer; for instance what reasons he had for the murder; the parties he associated himself with, and the manner, in which he way-laid the deceased, I shall set forth in the proof. Some circumstances likewise that may lie in our way, ought to be set aside. As, when Cicero says, Fulcinius dies. For, my lords, I shall omit many particulars in that matter, because they are foreign to this cause.

A judicious division of a cause likewise abates the tiresomeness of a pleading; I will relate what happened before the commission of the fact; I will relate what happened at the time; and I will relate what followed it. Thus the whole seems to be rather three short narratives, than a single long one. Sometimes it may be proper to throw in a short interlocution; You have heard, my lords, in what manner the thing was done; I am now to inform you of what followed. For a judge's attention is relieved by one part being brought to a period, and he prepares himself as for a fresh beginning.

But if, notwithstanding all the arts that can be practised, the detail should run out into too great a length, we will find it of service, at the latter end of each part, to make a kind of recapitulation. Cicero does this even in the middle of a short narrative. As yet, Caius Cæsar, Quintus Ligarius is entirely blameless; he went from home upon no war, nay not so much as upon the smallest presumption that a war was to happen and so on.

But let us consult our own good-sense in advancing nothing that is repugnant to nature, for that, above all other things, gives to a narrative an air of probability. Let us next premise to facts their causes

son, we ought even to avoid the concise manner of Sallust, though it is looked upon as one of his distinguishing excellencies; nor ought we to start from one subject to another. The reader who has leisure to examine with attention, will perhaps lose nothing by either of these manners, but they may escape a hearer who has no opportunity of hearing them repeated. We are farther to observe, that the man who applies himself to reading, has generally some learning; whereas our commissioners for hearing causes generally come from the country, to the courts of justice, where they are to determine according to the information they are master of. Therefore, perhaps, it may be right for a pleader to confine himself to a just mean; that is, in a narrative to speak as much as is necessary, and as much as is sufficient.

Now I would not have that sufficiency restricted to a bare stating of facts, because there is an elegance which ought to be joined with conciseness, otherwise it will partake of rudeness. For we are allured by what we like, and what gives us pleasure never seems tedious. Thus, when we travel a great way, if the road is pleasing and amusing, it fatigues us less than a hard, rugged road, though of much less extent. Nor shall I ever be such an advocate for conciseness, as to exclude from it any circumstance that can render the narrative more probable. For if it is too plain and curtailed, it does not deserve the name of a narrative so properly as that of a medley.

I am farther to observe, that many narratives run out into considerable lengths through the nature of their subject; and, as I recommended before, the judge must be prepared for attending to them, from the very beginning of the introduction. In such cases, a pleader is to exert his utmost art in making them

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causes and motives; I do not mean all the facts we mention, but those in question; and then we are to form the characters of parties agreeably to the facts we endeavour to fix upon them. If we accuse a man of theft we are to represent him rapacious; if of adultery, lustful; if of murder, audacious; and we are to reverse all these characters in those we defend upon the same heads. We are likewise to have a strict regard to the agreement of places, times, and the like circumstances. There is a certain kind of management likewise that gives credibility to a narrative, in the same manner as it does to dramatical compositions; one circumstance so naturally follows and coincides with another, that if you manage the first part of your narrative skilfully, the judge himself before-hand knows what you are to advance next.

A pleader will likewise find his account in sprinkling, as it were, his narrative with a few seeds of proof, but still so as to remember, that he is narrating, and not proving. We may likewise confirm a proposition by an evidence, but let it be short and plain: For instance, when we bring an impeachment for poison; he was in health, my lords, when he drank, he immediately dropt down dead, and his body appeared swelled and discoloured.

The same effect follows, when we prepare the court by representing the party accused as being hardy, armed, designing, a fact he commits against the weak, the defenceless, and the unsuspecting. In short, we are to dress out in our narrative, whatever we are to touch upon in our proof; such as the character of the party, the cause, the place, the time, the instrument, and the occasion.

Sometimes we may be at a loss for those circumstances, and then we are to acknowledge that the thing seems hardly credible, but that still it is true,

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and therefore the party is to be deemed more guilty; but we cannot account for the manner and motives of the action, but that though the matter be amazing, we shall, upon the whole, be able to prove it.

But the appearance of simplicity, of all other manners, has the best effect in disposing the minds of a court in our favour. Thus, when Cicero had promised, to great advantage, every thing that could make it appear that Clodius way-laid Milo, and not Milo, Clodius, the sly insinuation he throws in, with all the appearance of simplicity, has a prodigious effect. Milo, says he, who had been that day in the senate-house, as soon as the senate broke up, came home, shifted his shoes and his cloaths, and, as usual, waited a little, while his wife was getting ready: with what a cool, undesigning air Milo does all this! and that great master of eloquence raised that effect, not only from the circumstances of delay and slowness, which he introduces, but by plain, common expressions, without the least shew of the art he uses: and he spoke them in an animated, glowing manner, he might have roused up the jealously and the distrust of the judge against his client. Most people will accuse this manner with being cold and lifeless, but the very circumstance of the reader's not attending to the delicacy that is couched here, is a proof how well it is calculated to impose upon a hearer.

I have now discussed the requisites that give credibility to a narrative. As to guarding against contradictions or inconsistencies in a narrative, if a man requires any cautions upon that head, all instruction is lost upon him. And yet some writers upon this art have given rules of that kind, which they have valued as great curiosities, and discoveries of their own sagacity.

To the three properties of a narrative which I have mentioned,

lifying circumstance which may soften the bad impressions which our adversary's speech may have occasioned; nay, our slaves are at liberty to say all they can by way of apology for their offences. Some circumstances too may be mitigated by seeming not to recount them; for instance, The accused party, my lords, did not, as the impeacher alledges, enter into the temple with a premeditated design to rob it, neither did he spend any time in concerting the robbery. No; he was tempted by the opportunity and the absence of the guards, which had too great prevalence over human infirmity. But that is nothing to the purpose; he has been to blame, he has been guilty of theft; I pretend not to defend a crime, of which he is ready to undergo the penalty. Sometimes it may be proper to put ourselves in the wrong. For example: "Shall I say that you was impelled by liquor; that you fell into a mistake; that you was deceived by the darkness of the night? All these circumstances may be true, but still you have violated a freeman; therefore you are to pay the fine which the law imposes."

Sometimes we may fortify our cause by a proposition, and then we may explain it. Every circumstance is against the three sons who conspired against the life of their father. Every one of them drew lots who should murder him by night; accordingly, one by one, they enter his bedchamber; but none of them had the power or resolution to kill him; and, when the father awoke, they confessed their guilt. But if, notwithstanding, the father, instead of disinheriting of them, as the law directs, should divide his estate amongst them; and turn their advocate against the charge of parricide, he will plead in this manner. These young men are accused of having violated the laws of their country, by being guilty of parricide, though their father is yet

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But as we are, by chance, as it were, come to e more difficult kinds of narratives, let us now eat of those in which the matter of fact lies against s; and in such cases some have been of opinion, hat the narrative ought entirely to be omitted. Nohing is more easy than that, unless it is for one not o open his mouth at all upon the subject. But if ou should have your own reasons for undertaking a ause of this kind, what purpose can it serve to coness by your silence the injustice of your cause? And what absurdity would it be to imagine that a judge will be so stupid as to determine in favour of what e knows very well you have concealed from his nowledge. Meanwhile, I am very sensible, that n a narrative, some matters are to be denied, some ught to be added, others altered, and in like manr some ought to be concealed; but still we are at iberty to conceal only what is proper to be suppressd. But this sometimes is done in order to avoid ediousness; as for example, when we say, He nswered what he thought proper.

Let us, therefore, distinguish the kinds of causes; or where the point does not turn upon the matter f fact, but of law, though the matter is against us, e are at liberty to confess it; as for instance, Such party carried money out of the temple, but it was rivate property, therefore he is not guilty of sacriege. Such a man has debauched a virgin, but notithstanding, it ought not to be in the father's option o put him to death or make him marry her. Such nother has committed a violent assault upon a freeman, who afterwards hanged himself, but the offendng party ought not for that to be capitally punished, ut pay the fine to which the law condemns him. ut in confessions of this kind there is still some mol-

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live, and appears in their defence. As to the manner of the fact, there is no occasion to enter upon a detail of that, as it comes not under the description of the law. But, if you require me to confess in what I have been to blame, I own that I have been severe, close-fisted, father; and have locked up that money, which they can now manage to more advantage than I can. He may then alledge, "That his sons were prompted to the attempt by sons whose fathers were more indulgent; but that the event clearly demonstrates that, in their hearts, they abhor the crime of murdering their father, because they could not put it in execution. As a farther proof than that what occasion was there for binding themselves by oath to do a thing that was voluntary; or why have lots, but because each wanted to excuse himself from making the attempt?" All these are circumstances that make an impression upon the mind, after it has been mollified by the first proposition.

But when the question is, whether such a thing is a fact, or what the nature of the fact is? Supposing that every circumstance turns against us, yet still I cannot see that it is possible for us to avoid a narrative, without doing prejudice to our cause. The impeacher has already laid out a narrative, in which he has not confined himself to bare matters of fact, but he has aggravated them, he has embittered and envenomed them by his expression, he has strengthened all he said by his proofs, he has fired the bench by his peroration, and has left his hearers full of resentment in his favour. The judge, therefore, naturally looks for our manner of stating the case; if we give no state of it, the necessary consequence is, that he believes every thing, and every aggravation that has been offered by our adversary.

But how, it may be said, are we to give a narrative of the same matters that have been laid down before?

cumstance as he touches upon it, and so proceed to what follows.

For I do not agree with those who are of opinion that a narrative ought to proceed in the order of facts as they happened; no, I am for observing that order of facts which is most for the interest of our cause; and we have a variety of experience to assist us in that practice. For, when we leave out a matter in the order that it happened, that we may introduce it to more advantage in another place, we may pretend that it had escaped our memory. Sometimes we may tell the court, that we chuse to represent facts in such an order, because it will throw great lights upon the cause; but that we shall soon resume the thread of our facts. Sometimes, after we have explained the matter, we may add the motives that occasioned it; for, in our pleading for a party, we are not to be tied down to any one invariable rule, but we are to consider what is most suitable to the nature and the circumstances, of our cause; and we are to act as surgeons, who either cure a wound immediately, or, if the cure requires time, bind it up.

In the meanwhile, I even think it no improriety to repeat a narrative. Cicero has done this in his pleading for Cluentius; and it is not only allowable, but, in some cases, necessary. For example, in all causes of corruption, and in all complicated cases; for none but a madman will, through any scrupulous attachment to rules, be diverted from the manner which the nature of his cause requires. For this reason the narrative generally goes before the proof of a cause, that the judge may be master of the point that is to be tried. Now, if every circumstance either requires to be proved, or refuted, why should not every circumstance be laid down in the

the narrative? I can say for myself, if my experience and practice can communicate any degree of authority to what I advance, that I used that manner at the bar, as often as I saw it for the interest of my client, and that too with the approbation, not only of the best judges, but of the whole court. Let me not be accused of arrogance, (for if I advance ought but what is truth, many pleaders, my cotemporaries and associates, are yet alive to refute me) if I add, that it generally was allotted to me to establish* the proofs of a cause. Meanwhile, I am far from saying that it is not often proper to follow the order of facts; nay, sometimes, we cannot deviate from it, but with the utmost impropriety. For instance, how can you introduce into a narrative; First, that a woman bore a child, and then

* Orig. Ferè ponendæ à me causæ officium exigebatur.] As the narrative and the proof were connected together, Quinctilian therefore executed both parts. I cannot, however, apprehend, that commentators have perfectly well understood the practice of the Roman courts of justice. They tell us, upon the authority of Asconius, that several advocates were generally concerned in the same cause, and that one was appointed for the introduction, another for the narrative, and so on through every other part of the pleading. But I can see no matter of reason for a supposition of this kind. Such a practice must be both absurd and ridiculous, and we find no instance of it in Cicero, though commentators observe that Asconius mentions him, as being generally employed in the epilogue, or the winding up. I must therefore be of opinion, that every orator went through all the parts of the cause that were necessary to be spoken to, but that such and such parts were more and peculiarly laboured by such and such speakers. In the case of Milo, for instance, Asconius, in his excellent and instructive argument prefixed to Cicero's pleading, informs us of a vast number of material facts, which Cicero takes no manner of notice of, but were very possibly spoke to by other pleaders, and at different times, while that cause was depending. Cicero, however, has very industriously laboured the question upon the quality of the crime, and has exerted himself with inimitable talents in the winding up, but at the same time his pleading has all the constituent parts of an oration.

conceived it? Or, that a testament was opened, and then sealed? In such cases, if you make mention of a latter circumstance, you are to omit what preceded it.

Sometimes falsities are advanced in a narrative, of which two kinds are in practice at the bar. One depends upon evidence: for instance, Publius Clodius, from the confidence he reposed in his witnesses, affirmed, that he was at Interamna the night he committed incest at Rome. The other kind is supported by the wit and abilities of the pleader, and sometimes consists entirely in giving the complexion, or varnish, of truth to certain circumstances; and sometimes in misrepresenting the matter in question. But in both cases we are to take particular care to advance nothing that is impossible. In the next place, let all our allegations agree with characters, places, and times; let them be probable, with regard to their motives and order, and, if it comes in our way, let us connect them with some real truth, or confirm them with some evidence that has relation to the cause. For by indulging ourselves in bringing evidences quite foreign to the question, we betray our cause, because it is then supposed we are speaking just as we please.

Above all things we are to take care never to advance inconsistencies; a practice into which a speaker is very apt to fall, when he launches out into fiction. Some circumstances may agree perfectly well with others, but be inconsistent upon the whole. We are likewise to take care never to advance any thing that contradicts any fact that has been established as proved. Now a speaker ought always to remember the fictitious part of his pleading, because fiction is very apt to escape the memory, and no saying is more true than that, Liars ought to have good memories. We are likewise to

remember,

remember, (if we are pleading our own cause) that we are to lay down one fact, to which we are invariably to adhere; but if we plead that of another, we are at liberty to throw out a thousand questionable circumstances.

In certain declamations, however, the speaker has a liberty of enumerating all the circumstances that can be advanced by way of reply, when we suppose a party not to reply to the questions that are asked him. But we must take care that our fictions are not of that sort, as to admit of being disproved by evidence. Some arise entirely from our own suggestions, and are confined within our own breasts. Some we may rest upon the authority of the dead, and therefore they do not admit of being disproved. Some may be for the interest of the party, who can, but will not, disprove them. We may even palm some upon our opponent, because his averment to the contrary will go for nothing. As to dreams and superstitions, they are now become so stale, that they have lost all manner of effect.

But in narratives no varnish ought to be made use of, unless it is of the same complexion with the rest of the pleading, especially as some facts admit of no other proof of bold averments and perseverance. For instance, The parasite, who claimed a young man who had been thrice disinherited by a rich one, and discharged of allegiance to him, as his own son. That parasite, I say, had a colourable pretence for his claim, by alledging that his poverty was the cause of his exposing his own infant, that he assumed the character of a parasite, or hanger on, to the rich man, merely because the young man, his son, lived in his house, and that it appeared he was not the son of the rich man, because he was thrice disinherited, though nothing came out against him. But unless this parasite has the skill, through

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the whole of his pleading, to express a paternal
even in the warmest manner, and his fears fo
young man, who is living in a house where
mortally hated, he must be suspected to be no
than an occasional claimant.

I do not know whether it is possible for a cir
stance to happen in real life, that often happe
school declamations, that each party makes u
the same allegations, and turns the same wea
against the other. For instance, a wife inform
husband that his son had attempted to debauch
and that he had appointed a time and place
that purpose. The son on the other hand mak
information against his stepmother upon the
same fact, but naming a different time and
The father finds his son in the very place menti
by the wife, and the wife in the place menti
by the son. Upon this he turns away his wife,
makes no defence, and he disinherits his son.
this case the same allegations that serve for the
serve for the stepmother. They are, however,
set against one another, and the judgment we
must result from a comparison of persons, from
circumstances of the information, and from th
lence of the woman, when she is divorced.
ought likewise to remember, that some facts a
such a nature as to admit of no varnishing, an
they must be defended: as for instance, the
man who was prosecuted for damages for cudge
the statue of one poorer than himself, whon
hated. Now nobody can say that this was th
tion of a man in his senses, and that an action
not be brought (whether it is brought or not) ag
the rich man.

We are now to enquire whether a narrative
be blended or distinguished, when part of it is in
favour, and part of it makes against us; and

can only do by the circumstances of the cause. if the unfavourable parts of it are most nume- s, they must prevail over the favourable. For t reason, the best method in such a case is distinguish them, by explaining and proving every cumstance that is in our favour, and by employ- the methods I have already recommended against atever offers to our prejudice. If the favourable cumstances preponderate, we may connect them h the unfavourable ones, that we may use the ter by way of auxiliaries, which we may dispose at our pleasure, but so as may best serve our own poses. Yet we are not to expose them quite naked, we are to find out some reasons to make the rt believe they are employed for our service, by necting them with circumstances that divest them all credibility. Now, unless we make this dis- ction, the favourable circumstances may be af- ted by the complexion of the unfavourable ones.

In narratives it usually is a rule to make no di- ssion; to say nothing but what is addressed im- diately to the judge; to speak in no character but ; and never to pretend to reason upon the ts we lay down; and some have recommended not touching upon the passions. All those rules generally to be observed, nay, we are never to art from them, but upon very cogent occasions, order to render our narrative more conspicuous l concise.

And indeed, in pleadings, it is very seldom proper launch into digressions; in them we ought always observe conciseness, and never to digress; but en the impetuosity of the passion we are supposed e affected with seems to carry us beyond the usual thod. Thus, Cicero, when he is stating the cir- nstances of Sassia's marriage, Incredible wicked- s, says he, of a woman! Wickedness that in this life

life has no parallel! What unbridled, ungovernab lust! What matchless presumption! If she appr hended nothing from the vengeance of the gods, the detestation of men, ought she not to have be struck with the awfulness of that night; with tho nuptial ceremonies, with the sight of the marria bed, with the bed-chamber of her daughter, a even with the very walls, the silent witnesses of h former marriage.

Sometimes a speech not immediately addressed the judge, conveys an information with more co ciseness, and more force. Upon this head I reco mend the same rules I did when I treated of the i troduction and of the prosopopœiæ. This mann has been practised not only by Servius Sulpitius, his pleading for Aufidia, when he says, Can I su pose that you was overpowered by drowsiness? that you laboured under a lethargy? but also Cicero; for when he mentions the ship-masters his pleading against Verres, he makes use of t same manner; You shall pay so much for liberty see your imprisoned children, and so forth. N in his pleading for Cluentius, does not the conferen between Stalenus and Bulbus contribute greatly bo to abridge the narrative, and give it credibility? is very improbable that he fell into this manner random, because in his oratorial partitions he lays down as a rule, That a narrative ought to be smoo and surprising, that it ought to keep us in suspen to contain amazing events, and to admit of perso conferences; all which manners are calculated touch the passions.

I have already observed that a narrative never a mits of arguing, though it may sometimes have gument; as when Cicero, in his pleading for Lig rius, says, that his behaviour in the government w such as rendered the preservation of the peace t

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great object of his concern. When our subject requires it, we are to insert in a narrative, but briefly, both a defence, and the motives of what was done; for our narrative ought not to be that of a witness, but of an advocate. A naked fact may lie as follows: Quintus Ligarius went into Africa as lieutenant-general under Caius Considius. But how does Cicero clothe this fact? Quintus Ligarius, says he, before there was any appearance of a war, went as lieutenant-general under Caius Considius, into Africa. When he mentions the same thing in another place, he says, that he went from home upon no expectation of war, nay, not so much as upon the smallest presumption that a war was to happen. And when it was sufficient, for the sake of information, to say, that Quintus Ligarius suffered himself to be incumbered with no business, he says, that he longed to be with his family, and that he passionately wished again to enjoy his friends; by such means Cicero rendered his narrative both probable and pathetic.

I am therefore astonished that writers should debar a pleader from using in a narrative any means to touch the passions. If they only think that they ought not to dwell so long upon the pathetic part as they do in the winding-up or epilogue, I agree with them. For we ought by no means to be tedious. But why am I not to inform a judge in such a manner as to touch his passions? If I can, at the very entrance upon my speech, accomplish the very end which I propose to effect at its conclusion, why am I not to do it? Especially as in the probatory parts I can more easily make an impression upon his mind, when it is possessed either by resentment or compassion.

Does not Cicero, when he has occasion to mention a Roman citizen being whipped, in a very few words

touch

touch every spring of passion in the soul? by not only mentioning the quality of the sufferer, the place where he suffered, and the manner of his suffering, but the magnanimity of the person himself; which was proved, by no groans, no supplications escaping from him while he was lashed by the lictor. For all he did was to call out aloud, that he was a Roman citizen, which exasperated his tyrant, and more loudly proclaimed the injustice done him. How was it in the case of Philodamus under the cruelty of Verres? Does not the narrative there work us into a blaze of hatred? Does not the punishment fill our eyes with tears? When the orator rather paints than recites the mournful condition of the father and the son, each bewailing the calamitous death of the other. Can any thing more affecting enter into the winding-up of a speech? Now we are to reflect how tedious it is to wait till the winding-up, if we can affect the passions, without any manner of risque, in the narrative. The facts are familiar to the judge: he hears without any emotion of mind, a repetition of the things that did not affect him when he heard them at first. And it is no easy matter to alter a settled habit. For my own part, though what I have now to say rests rather upon experience than precepts, I am of opinion that the narrative ought to be embellished with as much elegance, and with as many beauties, as any other part of the pleading. But that in a great measure depends upon the complexion of a cause.

For in matters of small moment, such as cases of private property generally are, the dress of the narrative ought to be modest, and suited to the subject. We are there to be delicate in the choice of our expressions, which in the persuasive parts of the pleading have a glow, are rapid, and disguised amidst

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a universal copiousness of language. In the narative every word ought to be significant, and, as eno says, sentimental. No art ought to appear in e composition, but it ought to be extremely elent, and to admit of no poetical figures, or any anner of speaking that is not adopted by the auority of the antients. The diction should be as are as possible; it ought to relieve the mind by its ariety, and enliven it by its transitions; and to oid a similarity of cadence or of periods, and a meness of expression. For a narrative in a matter f small consequence is deprived of the little arts at deck out the other parts of a pleading, and if estitute of elegance, it must make a poor appearnce indeed. Add to this, that no part of the pleadg requires more attention from the judge, and, for at reason, it must go for nothing, if it is amiss. esides, there is a certain unaccountable principle in ankind, which induces them to believe with the reatest readiness the things that are told with the reatest beauty, and even the pleasure they feel ins the assent of their understanding.

But, in matters of great concern we are at liberty employ invectives against what is criminal, and to all for compassion for what is piteous; and this not ith a design of finishing the movements of the assions, but of marking out their operations, so as at the outlines may give us an idea of the full reesentation of the figure. I am not even against piriting up the judge by some lively sally of wit, hen he is fatigued with long attending a cause, pecially if it can be done by throwing in something at is very concise; as when Cicero says, the slaves of lilo then acted as every man would wish his own rvants should act, were he in the like circumstances. ometimes a pleader may talk a little more freely, as e same orator does in his pleading for Cluentius; the

the stepdame, says he, weds her son-in-law ; no re
gious rites observed, no lawful authority consulted, a
every omen denouncing vengeance against the mat
If such language was made use of at the bar, in
age when pleadings were calculated not for osten
tion but utility, and when the courts of justice we
strict and severe, what liberties may we not i
dulge at this time, when pleasure breaks in up
trials even for life and fortune. I shall in anoth
place point out how far we are to take advantage
this fashionable failing. Meanwhile, I own that
think some advantage ought to be made of it.

A representation of circumstances, which, as
were, paints a transaction to the eyes of the heare
is of vast service in a pleading. Such is the d
scription which Marcus Cælius gives of Antony,
the following passage.

His domestics, says he, found him overpower
with inebriated sleep, snoring out his very lun
and belching as he snored. Some ladies of his pleas
lay promiscuously upon beds, others around him
the floor, as chance or drunkenness directed, int
mingled with the relicts* of their debauch. T
ladies, however, alarmed at the enemies approa
awakened in dreadful consternation, and endeavou
to rouse their hero, but all in vain; one bawled out
name, another clung about his neck, a third whimpe
in his ears, while a fourth was boxing them; but

* Relicts.] There is a double reading here in the original, s
copies reading reliquas, and some reliquias; I have admi
both into the translation. Mr. Rollin has not admitted this
sage into his edition, for no other reason that I can think of
over delicacy; for the description it contains is worked up w
prodigous wit and humour, and answers extremely well to
manner which Quinctilian is recommending. As to the histor
fact, I do not recollect upon what occasion it happened, b
seems to allude to Marc Antony being surprized by an enemy,
ther in a town or a camp, after a debauch.

no purpose. The most they could do was
: him to a drowsy discernment of their several
and voices, to which he had been so long
, and he groped about to embrace the mis-
at lay next him; for though drowsiness kept
n awaking, and drunkenness from acting,
could not be said to be either asleep or
and in this condition he was tumbled and
bout in the arms of his pimps* and whores.
no drawing was ever more like, no reproaches
er more stinging, no colouring was ever more
, than what we find in this description.

st not here omit observing, that the authority
peaker gives great weight to his narrative.
thority is owing chiefly, though not entirely,
nal virtue, which every man ought to aspire
ut a great deal lies in the manner of speak-
or the more weighty and serious the style of
r is, the more effectual it will be in enforcing
r he lays down as a fact. This part of
, therefore, above all others, ought to be void
y appearance of deceit, for here the judge is
arly upon his guard; it must contain nothing
ells of fiction or design, and every expres-
st be furnished by the cause to the pleader,
the cause, and not he, may seem to speak.
s manner is intolerable to modern pleaders.
at (say they) is the use of art, unless it is dis-
le? But let me tell them, that art, if dis-
le, ceases to be art. All their aim, all their
, is to gain applause; and while they are court-
audience, they disgust the judge.

e is a certain repetition of narrative, which
practised in declamations than at the bar.

ps.] In the original here, some read Centuriorum, but
e reading of Cænaturiorum, the signification of which
tty near to the sense in which I have translated it.

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Its purpose is to give more variety and embellishment to facts, than could be introduced into the first narrative, which requires to be concise; and it is a practice calculated to raise either hatred or compassion. In my opinion, we ought seldom to use it, and never to repeat the whole state of an affair, for we may answer the same purpose, by handling all the particular parts separately. Besides, when a pleader has a mind to use this kind of repetition, he ought but very slightly to touch upon the facts he is to repeat, and to content himself with saying, that he will, in a proper place of his pleading, more fully state the fact and all its circumstances.

Some writers think that a narrative ought to begin with somewhat relative to the party, whom we are to praise if he is our friend, and blacken if he is our antagonist. This, to be sure, is a frequent practice, because all litigations lie between two parties. But we may sometimes introduce the party with the circumstances attending his person, when it can be serviceable to our cause. For example, Aulus Cluentius, my lords, was the father of my client, by far the most leading man in virtue, reputation, and rank, not only of the corporation of Larinum, where he lived, but of all the neighbouring country. Sometimes, as in the pleading for Ligarius, it is sufficient barely to name the party. Very often we begin with the business, as Cicero, in his pleading for Tullius; the paternal estate, says he, of Marcus Tullius, lies in the division of Thurenum. Demosthenes, in his pleading for Ctisiphon, when the Phocensian war broke out, says he, before I entered upon public business. Some strenuously insist that a narrative ought to be carried down, and to end where the very point in question begins; for example, matters being thus circumstanced, my lords, the prætor, Publius Dolabella, as is usual, published a prohibition

tion against all violent intrusion, and that without exception of persons; for the prohibition ordered the party ejected to be reinstated. Our opponent says, that he has reinstated my client, and that is the point now to be tried. This method is always open to the plaintiff, but not always to the defendant.

CHAP. IV.

CONCERNING DIGRESSIONS.

THE confirmation or proof naturally follows the narrative; for the contents of it require to be proved. But before I enter upon a discussion of this part, it is necessary that I take notice of certain opinions that prevail.

It is a general practice, at present, with pleaders, after having finished their narrative, instantly to launch out into all the luxuriancy of style, and take pleasure, as it were, to wanton in the agreeable and flowery fields that their subject affords. This practice has crept from the schools into courts of justice, from declamations into pleadings, after our advocates thought proper to sacrifice the interests of their clients to their own ostentation; imagining, I suppose, that if knotty, stubborn proofs are immediately to succeed the sapless narrative, their pleading must be benumbed and bare, through such a delay of introducing the fire and flowers of speech.

Now I blame this practice, because pleaders always observe it without regard to the nature of the cause, or the interest of the client, as if it was always expedient, nay necessary. They go so far as to croud this part of their pleading with sentiments stript from those parts where they naturally ought to stand;

stand; so that they are forced either to make use of repetitions, or to leave some parts of their pleading quite bare, because they have been squandered upon an improper division.

For my own part, I am free enough to own, that where the nature of a cause requires, or indeed will suffer it, this method of digression may be employed with great advantage, not only after a narrative is closed, but upon general and particular points; and that it throws gracefulness and beauty upon the pleading, provided it is coherent and consequential with the subject, but not if it is rammed and wedged into it, so as to confound and break the natural order of facts and reasonings. Now nothing can be more naturally consequential than the proof is to the state of the facts, unless a digression interposes, either as the end of the narrative, or the beginning of the proof. Therefore, sometimes it may be proper to introduce it there; for example, when a narrative, towards its close, contains somewhat that is very shocking, we are then to launch out against it, with an indignation, which, as it were, gets the better of our judgment, and seems to burst into our purpose. But this is only to be attempted in cases where the fact is beyond all doubt, for you must take care to establish the truth of a fact, before you establish its atrocity, because the presumption of the hearers is against a heavy allegation, if not supported; for it is with great difficulty we can be brought to believe any shocking crime, before it is proved.

This method of digression may be practised to advantage, by inveighing against ingratitude, when you are stating the obligations which your opponent is under to you, or your party; or by exposing the dangerous consequences of the various crimes which you have pointed out in your narrative. But all this

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ought to be done very concisely; because the judge, being once master of the facts, is impatient till he knows how they are supported, and he wants, as soon as possible, to settle within his own breast the sentence he is to pronounce. Besides, great care ought to be taken lest the matter of the narrative should slip out of the memory of the court, by its attention being diverted to another object, or fatigued by an unavailing delay.

But as a digression is not always necessary upon the close of a narrative, so it often happens that a kind of preparation is extremely expedient before we enter upon the merits of the main question, particularly supposing that the cause we plead for has at first sight but an indifferent aspect, or if we plead in favour of a severe law, or prosecute upon a penal act. This preparation is, as it were, supplemental to the introduction, in order to render the judge favourable to the proofs that we are to offer, and the language we here use admits of more freedom and strength, because the judge is already informed of the cause. Such are the means which we are to use, as it were, for fomentations, in softening whatever we offer that is harsh and severe, and in disposing the mind of the judges in favour of our pleading, and in reconciling them to the rigour of the law we are enforcing. For it is not easy to persuade a man against his inclination, but in doing this it is proper we should be acquainted with the nature of the judge, and whether he is most disposed in favour of the letter, or the spirit of the law; and then we can take our measures accordingly. The same thing likewise will serve when we come to the peroration, or winding up.

This part of a pleading is, by the Greeks, termed [illegible], and by the Latins, a digression or launching out. But, as I have already observed, almost every

part of a cause admits of a different digression. For instance, the commendation of men, or of places, the description of countries, the narrative of matters, either actual or fictitious. The praise of Sicily, and the rape of Proserpine, in the pleadings of Cicero against Verres, are of this kind; as is that glorious panegyric upon Pompey, in his defence of Lucius Cornelius; where that divine orator, as if arrested in the career of his pleading by the very name of that great general, breaks off the thread of his discourse, and, as it were, wantons in his praise.

A digression, in my opinion, is a discourse, deviating from the point in question, but relative to the merits of the cause. I, therefore, see no more reason for fixing its station immediately after the narrative, than for determining its object, as the occasions of it are so many and various. I have already established the five parts of a pleading, and whatever does not come under them is a digression, such as, indignation, compassion, hatred, reproach, apologizing, and recrimination. In like manner, every thing besides the point in question, all that aggravates, all that extenuates, and all that moves the passions, and above all, every manner that serves to render a pleading more agreeable and ornamented, as when we touch upon luxury, avarice, the worship of the gods, or the duties of mankind; all these, I say are digressions, though they scarcely seem to be such, on account of their relation and coherence with the establishment of our proofs.

But very often when we want to refresh, to instruct, to amuse, to petition, or to praise a judge we launch out into matters that are quite incoherent with our subject. Numberless are the instances of this kind. Sometimes we study them beforehand sometimes they rise from accident or necessity, as

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when any thing extraordinary happens, when we chance to be interrupted, when a new member comes into the court, and sometimes in case of a riot. Thus, Cicero, in his pleading for Milo, was obliged, in his introduction, to digress, as is plain from the short speech he made upon that occasion. But we may use greater freedoms in digressions that serve to introduce the main question, or to recommend the proof that has been established. But all digressions from the middle either of a narrative or a proof had need to be very short.

CHAP. V.

CONCERNING THE PROPOSITION.

I HAVE already given an answer to those who make the proposition follow the narrative, as part of the matter that is to be adjudged. In my opinion, the proposition is the beginning of each proof, and takes place not only when we are establishing the principal point in question, but when we are bringing particular proofs, especially those of the syllogistical kind. But I now proceed to the former, which I do not think is always necessary. For sometimes, without laying down any proposition, the hearer easily perceives the point in question, especially when the narrative ends where the discussion of the main question begins. Sometimes a recapitulation of the whole follows the narrative, in the same manner as it does when we have established our proofs. An example of this occurs in Cicero's pleading for Milo; This, says he, my lords, is the naked fact; the traitor was conquered, and force repelled by force, or rather audaciousness was overpowered by courage.

But a proposition is sometimes very much to the purpose, especially in those cases where we admit the matter of fact, but hinge upon the point of law. Thus in the case of the man who had stolen from the temple some money that was private property, a pleader may say, My client is arraigned for sacrilege, and upon that crime, my lords, ye are to judge. Thereby the judge is given to understand that the charge of sacrilege is the only point that comes under his cognizance. We may likewise use the same method in causes that are dark or intricate, and it has the effect of not only rendering a case more perspicuous, but likewise more convincing. And in order to convince the judge, we ought to throw in something that is decisive. For instance, The law is very express, that a stranger who mounts the fortification is to suffer death: that you are a stranger is unquestionable, that you have mounted the fortification is past dispute; then what remains but for you to suffer the award of the law? This kind of proposition enforces the confession of the accused party, and in some measure cuts off all delay of judgment, for, while it proposes, it decides the question.

Propositions are either single or complicated; and those are of several kinds. Thus, Socrates was accused of debauching the Athenian youth, and of introducing strange superstitions. Sometimes a great many propositions enter into one charge. Thus, when Demosthenes prosecuted Æschines for misbehaving in his embassy, he charged him "with prevarication, with having observed none of his instructions, with having exceeded the time prescribed him, and with having received presents." The defendant on his side is at liberty to multiply his propositions or allegations. For instance, in an action for debt, he may alledge, Your process is ill-

founded; you cannot act as an attorney; your client is not in a capacity to employ an attorney; you are not the executor of the person who is said to have sent me the money; I was not in his debt. Such allegations may be multiplied at pleasure, but it is sufficient if the matter in question is explained. If those allegations are laid down one by one, and the proof of each tacked to it, they become so many propositions, but if they are accumulated, they admit of a partition.

Some propositions are, what we may call, quite bare, and such generally happen in conjectural causes; I accuse such a man for murder, I prosecute another for theft. Other propositions are supported with a reason; Caius Cornelius has been guilty of a misdemeanor in his office; for, when he was tribune, he himself read* to an assembly of the people the bill he had proposed. Sometimes we lay the proposition down in the first person; as, I accuse such a man of adultery. Sometimes in that of our adversary; he defends himself against my charge of adultery. Sometimes both persons are comprehended; the question between me and my adversary is, which of us is nearest of kin to a person who died intestate? Sometimes we couple two propositions together; my allegation is so and so, that of my antagonist is so and so.

There is a way of speaking, which, though it is not a proposition in form, has all the effect of one. For example, when we close our narrative with this expression, this, my lords, is the matter upon which you are now to give judgment. This awakens the judge to attend more closely to the examination of the main question, and is a kind of warning-piece which gives him to understand that the narrative

* Read.] The clerk of the assembly ought to have dictated the bill to the public cryer, who repeated it aloud to the people.

part

part is closed, and the probatory beginning; and as we are preparing to enter upon the establishment of our proof, he, as it were, resumes his attention anew.

CHAP. VI.

CONCERNING THE PARTITION OR DIVISION OF A PLEADING.

THE division of a pleading is the collecting and arranging, into their proper order, the allegations made use of by ourselves, or our adversary, or by both.

This is thought, by some, to be in all cases indispensable, both because it renders the case more perspicuous, and because the judge becomes more attentive and inclinable to hear us, if he understands not only what we are speaking to, but what we are to speak to next. On the other hand, some think that this practice is dangerous in a pleading, for two reasons; first, because we are apt to forget the order we have laid down; and secondly, some head may suggest itself to the judge, or hearer, which we may have omitted in our division. For my own part, I think this cannot happen to any but a mere dunce, or to one who pretends to plead off-hand, without premeditation or digestion of his matter. In all other respects, what method is so natural and so clear as the proper division of a speech? It is no other than following nature herself, nay, our keeping to the order we propose is a main assistant to the memory.

I therefore cannot approve of those who are against admitting, under one division, more than three propositions: it is true, that if propositions are too much multiplied under a division, they must escape the memory

nory of a judge, and confound his attention. ; still they are not invariably to be tied down to t number, because it is possible the nature of a se may require more.

There are, however, other reasons that may render division of a discourse improper. In the first ce, things that are said off-hand, and seem to be thout premeditation, and to arise as it were from present occasion, are generally best received. ence it is we make use of the expressions, I had most forgot; it had escaped my memory; I thank u for putting me in mind. Now, if beforehand ou arrange your proofs, you forestall all the pleasure novelty. Sometimes it may likewise be proper to pose upon the judge, and to employ art in hood-inking him, to prevent his perceiving our real aning. For a proposition may be such as may ock a judge in the same manner as a patient is ocked at the sight of the surgeon's instruments be-re the operation is performed. But if the pleader oceeds without laying down any proposition before and, the judge then suspects nothing, and does not ll to examine the matter within his own breast, and us he may assent to what he would have disallow-d, had he been put upon his guard.

Sometimes it may be proper to avoid, not only he distinction, but the mention of questions, to onfound the passions, and divert the attention of e hearer. For information is not the only bu-ness of an orator: No; the utmost effort of his loquence is to touch the passions. And nothing a greater enemy to that than a minute, exact, rupulous division of our discourse, at a time when e ought to be working upon the passions of a dge, so as to take from him the power of decreeing gainst us.

Nay,

Nay, does it not sometimes happen that circumstances, when distinguished from one another, are slight and inconsiderable, but when accumulated, are strong and prevalent? We ought sometimes to collect them together, that they may burst out all at once. And yet we should be sparing of this practice; we should be forced to it by nothing but necessity, which gives expediency to the most inexpedient methods.

Let me add, that, in all divisions of a discourse, there is some leading point, and when a judge is master of it, he is disgusted with all the rest, as being unnecessary.

Upon the whole, if you are either to urge or to refute a complication of charges, a partition is both expedient and agreeable, because thereby the facts we are to speak to, appear in their proper order. But I think it useless, when we are defending a party upon one charge only. For instance, were we to run into the following division. I affirm that my client is not of such a character, as to make it credible that he could be guilty of murder; I affirm that he could have no motive for murdering the deceased; and I affirm that he was beyond seas at the time the murder was committed. Now in this division, the two first averments are absolutely useless. For the judge will immediately fasten upon the third, which is the most material; and if he is of a dispassionate, patient temper, he will only give silent intimations to the pleader to make out what he has advanced. But if he is in a hurry, if he is a man of great rank, or if he is peevish in his disposition, he will call upon the advocate with some warmth and rudeness.

Some, therefore, have disapproved of the division which Cicero has introduced into his pleading for

Cluentius, where he proposes to show first, that no party was ever tried for greater crimes, or upon stronger evidence, than Oppiniacus was. Secondly, the precognition was taken against him by the very judges, who had condemned him; and thirdly, that if money was employed, it was employed against, and not for, Cluentius; and the reason they give for their disapprobation is, that if Cicero could have proved the last allegation, the other two were superfluous. But then again, a man must be either foolish or unjust, not to confess that his division in his pleading for Murena is extremely fine. I apprehend, says he, my lords, that this whole charge consists of three parts; the first, as to the immorality of life, the next regards a competition for dignity, and the last, his acts of corruption. Here he lays down the cause in a clear, concise manner, and all the divisions are equally pertinent.

Some do not much like the following manner of dividing: if I killed him, I did no more than I ought to have done, but I did not kill him. For, say they, to what purpose is the first allegation, if the second can be proved? They hamper one another, and while we dwell upon both, we are believed in neither. It must be owned, that this objection has some foundation. And if the second allegation can be proved beyond all contradiction, we ought to rest the defence entirely upon that. But we are to maintain both allegations, in case that we are any way suspicious of the strongest. Judges view matters in different lights. One may think the fact proved, and yet acquit upon the point of law. And another who is dissatisfied with the legality of the action, if proved, may possibly be of opinion that it is not proved. Thus, a good marksman may hit the mark with one arrow, but an indifferent one is to make use

use of more, because, if one misses, another may hit. How nobly does Cicero alledge that Clodius first way-laid Milo, and then he adds, as it were only by the bye, that had not that been the case, the greatest merit, the greatest glory, must have attended the killing of such a wretch as Clodius.

Meanwhile, I am not for condemning the manner of dividing which I first mentioned; because some propositions, though they are shocking, may have the effect of smoothing the way for those that are to follow. It is a shrewd, though common saying, that a chapman, in order to have enough, ought to ask too much. Yet no man of sense, from this, will conclude, that we ought to attempt every thing; for I am of opinion with the Greeks, who lay it down as a rule, never to attempt impossibilities.

But if we should think it expedient to rest our defence on two points, we are to manage so as that our first allegation may serve to strengthen our second. It may possibly happen that a party who boldly confesses one fact, is not suspected when he denies another. As often as we perceive a judge to expect some other evidence, besides that which we are advancing, we are to promise that we will speedily give him full satisfaction, especially if we are speaking to a matter that is scandalous.

But it is often the case that the law may justify a party in a very scandalous cause. In this case we are, again and again, to inform the judges, who hear us perhaps with impatience and disgust, that we will, in the progress of our pleading, vindicate the probity and the character of our client, if they will have but a little patience, and suffer us to proceed in the order we have laid down. Sometimes a pleader is to pretend that he is obliged to speak what his client may dislike, as Cicero does in his pleading for Cluentius,

gatius, when he makes mention that a knight was not subject to the penalties of the Sempronian law. Sometimes he is to make a stop, as if he was interrupted by his client. Sometimes he is to address himself to one of the parties. Sometimes he is to beg of his client that he will indulge him in his own method of making his defence; and thereby he may so far win upon the judge, that while he is hoping that the party's honour will be vindicated, he will become more tractable in the knotty points of the cause. When a judge is once impressed with these sentiments, they dispose him more favourably to receive the defence that is offered for a party's moral character. Thus those two manners mutually assist each other. The vindication of the moral character renders a judge more favourable to what we advance in point of law; and when the point of law is once well established, he is inclined to think the better of a party's morals.

But though a division is so far from being always necessary, that it sometimes is needless; yet when it is happily introduced, it throws great lustre and beauty upon a pleading. For it not only renders facts more clear by disentangling them, and laying them out to the view of the judges; but the different stages which it presents, refresh the mind in the same manner, as the mile-stones upon our public roads lessen the fatigue of the traveller. For there is a pleasure in knowing the progress we have made, and when we know how much there is yet to perform, we proceed with the greater spirit and resolution. To know the precise determination of a task is a great means of lessening its fatigue. The chief merit of Quintus Hortensius lay in his artfully dividing his pleading, though it is true, that Cicero sometimes ridicules his manner of counting up upon his

his fingers * the several parts he was to speal
And indeed in this respect we may very readil
ceed, though we ought above all things to g
against a too formal, precise division. Minut
weakens the authority of a speech, and when di
in that manner, it is disposed, not into parts, but
bits. They who are ambitious of this merit,
court applause from the nicety and frequenc
their partitions, are guilty of great superfluity ;
fritter away what nature meant should be en
and do not divide, but mince down, their plea
The effect of all this is, that when they have c
ped it into a thousand bits, they fall into that
obscurity which a division was meant to g
against.

As often as the division is proper, it ought, ir
first place, to be plain and perspicuous, (for wh
more scandalous, than to fall into obscurity in
very place that is calculated to throw light upo
whole?) In the next place, it ought to be con
without being loaded with a single expression
can be retrenched; because, while we are divi
we do no more than point out the order of the
ters to which we are to speak.

We are likewise, if possible, to take care th
our division there be neither deficiency nor re
dancy. Redundancy is occasioned by dividing
particular, what might have been divided into g
ral, heads. Or by adding the species after men
ing the kind. Thus, virtue is the kind, justi

* Fingers.] Particularly in his pleading against Cæ
"Immortal gods! says he, what confusion, what perpl
what doubts must the good man fall into, when his anta
shall begin to digest the different heads of his accusation
to arrange upon his fingers the principal points of his ow
fence!"

a partic

icular species of that kind; and so is modesty; ıld therefore be absurd for us to say, "I will , my lords, concerning virtue, concerning jus- concerning modesty."

dividing, we are to distinguish between what is n and what is contested. Under the first head e to point out what is admitted by our adver- and what by ourselves. In dividing the con- l part, we are to lay down our reasons and pro- ons with those of our opponent. But nothing e more shameful than for a pleader not to pur- ıe order which he has laid down.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK V.

INTRODUCTION.

SOME, and those, too, eminent, authors have been of opinion, that an orator's only business is to inform. They give two reasons why he ought not to touch upon the passions; the first, is, because all perturbation of mind betrays weakness; the second is, because it is unfair to divert a judge from the truth by working him either into compassion, or anger, or any like disposition. And they are of opinion, that to purvey for the pleasure of an audience, when all a speaker's purpose is to get the better of his antagonist, is not only needless in an orator, but unworthy of a man. Other authors, and those the most numerous, without disapproving of an orator's availing himself in this respect, think that his main and proper purpose should be, to establish what he advances himself, and to destroy what is advanced by his antagonist.

Without discovering my own sentiments upon this head, I am certain that the book I am now beginning, will, of all others, be the most useful in

the esteem of both parties, because the whole of it is employed upon the manner of proving and refuting. to which all I have said concerning judicial causes is to be applied. For, the sole purpose either of an introduction, or a narrative, is to prepare the judge; and an information of facts, together with all the methods I have already recommended, would be useless, unless we can establish our proofs, and refute our adversary's. Therefore, of all the five divisions into which I have thrown a pleading, it is possible that some one in four of them may not be essential to the cause. But nothing can be brought into judgment, but what must be supported by proof. The best method I can think upon, for laying down rules upon this head, is by shewing in general what is applicable in all causes, and next, what is peculiar to particular ones.

CHAP. I.

CONCERNING THE DIVISION OF PROOFS.

Proofs are either inartificial, or artificial—Of inartificial Proofs.

ARISTOTLE has been generally followed in the division he has laid down upon this head. He says, there are some proofs that are foreign to the subject an orator speaks upon, and these he calls inartificial proofs; and that others arise from, and are, as it were, begotten by the subject, and these he calls artificial. Amongst the former are ranked prejudgments, reports, extortions by torment, writings, oaths, and witnesses, which constitute most of the causes that come to the bar. But as they require no art in forming them, therefore the greatest powers of eloquence are required either in supporting

supporting or refuting them. The writers, there fore, are highly to blame who have excepted out the rules of their art, all that kind. It is not my in tention, at present, to lay down all that can be sai for or against such an exemption. For it woul be a work of infinite labour to treat of topics tha may be in common to all pleadings; it is sufficien for me to lay down the manner and method of treat ing them. When I have done this, my reader is no only to exert his utmost ability in applying what lay down, but in inventing others of the same kind according to the different causes he is to speak to For it is impossible to say any thing that is applicabl to all kinds of causes, even to those that have hap pened, to say nothing of those that may happen.

CHAP. II.

CONCERNING PREJUDGMENTS.*

PREJUDGMENTS are of three kinds; the first, whicl may be more properly termed precedents, consists o similar cases already adjudged, such as when a las will of a father is annulled by the prætor, or confirme by disinheriting the son. The second kind is pro perly termed a prejudgment, because it is a sentenc pronounced in the same cause. For example, th facts that were prejudged in the case of Oppiniacus and by the senate against Milo The third kind i when a sentence has been already pronounced in matter that is appealed,† or brought to a secon

* Prejudgments.] These are sometimes termed precognition and were of the nature of bills found by our grand juries, or th verdict of a coroner's inquest.

† Appealed.] In some cases that concern personal liberty, c property, an appeal was admitted, and the preceding sentenc might have been annulled.

trial

A prejudgment is chiefly confirmed by two mstances; first, the authority of those who pronounced it; and secondly, the similarity of ase with the point in question. They admit rise of refutation; but a pleader is very seldom proach the judges, who have passed the prejudg-, unless they have been palpably to blame. t is natural for every judge to confirm the sen- of another, lest he should establish a prece- that may affect his own sentences. In such , therefore, if the thing will admit of it, we o point out a dissimilarity in the two causes; ndeed it very seldom happens that two causes arallel in all respects. But if the prejudgment ld happen in the same cause, we are then to recourse to the neglect of the managers, or we o complain of the weakness of the party con- ned, or of the power of money, or interest, which corrupted the evidence, or of some matter of d or ignorance; or we are to find out something has happened since the prejudgment, which s the complexion of the cause. But if we have om for using any of these means, we still at liberty to represent, that, in all times, unjust ments have passed, as appears from the condem- n of a Rutilius,* and the acquittal of a Clodius, a Catiline. We are likewise to put the judges ind that they ought to examine the matter ly as it stands, without pinning their conscience e verdict of another. But, with regard to de- of the senate, and sentences of sovereign es and magistrates, I can recommend nothing,

Rutilius.] He was a man of great virtue, but when he held overnment of Asia, he happened to disoblige the Roman s, who were the monied men of Rome, and they condemn- to banishment. The histories of Clodius and Catiline are nown.

but

but to find out some small variation in the case, ' some posterior decree of the same persons, or of thos invested with the same powers, which contradict their former judgment. Unless some one or other c these circumstances occur, the party must submi to be cast.

CHAP. III.

CONCERNING REPORT, OR FAME.

One party treats fame and rumours as implying the consent of the whole state and evidence of th public; others as an idle report invented by rogue and propagated by fools, without its author daring t shew his face. They add, that the most innocen person alive is liable to suffer by such reports, throug the malice of his enemies publishing falsehood Examples are frequent to justify both allegations.

CHAP. IV.

CONCERNING TORMENTS.

In like manner, matters extorted by tormen always present a plentiful field for altercation. Or party represents the rack as a necessary means fo the coming at the truth by confession: anothe as being a motive for false accusations; because th hardiness of some renders a lie easy, and the weak ness of others renders it necessary. I shall say n more upon this head. Both ancient and moder pleadings are very full upon the subject. Some pe culiar circumstances, however, in this matter, ma happen in every case; for, when the rack is pro duced, it is of importance to know who is to examin

and who is to be examined; who the prosecutor is; against whom it is intended; and what is the nature of the cause. If the party has been already put to the rack, we are to inquire who took the examination, who the party was that suffered, and in what manner he was tortured; whether his answers were such as carried probability along with them, whether they were consistent with one another, whether he persevered in what he said at first, or whether he made any alterations through the force of pain; whether he confessed when he was first put upon the rack, or in consequence of his torments. All those considerations are as boundless as is the variety of cases that happen.

CHAP. V.

CONCERNING WRITINGS.

A PLEADER has often occasion (and every pleader often will have occasion), to speak against writings; and daily experience shews us that some of them are not only contestable, but criminal, by being forged. But as this proceeds either from design or ignorance, it is much safer to take the affair up upon the footing of ignorance, because thereby we include fewer parties in the action. But in this case all the proofs lie on the face of the cause; if the deed, for example, which the writing contains, is improbable, or if, as it often happens, it can be disproved by other equally evident proofs: or if the party in whose prejudice the deed was executed, or any of the witnesses can be proved to have been absent or dead before the execution; if the circumstances of time do not agree; if something that happened,

either before or after the execution, has destroy the intention of the deed; nay, a forgery is oft discovered by bare inspection.

CHAP. VI.

CONCERNING AN OATH.

A PARTY at law may offer his own oath, or l may object to that of his antagonist, when offere or he may require his antagonist's oath, or object giving his own, when called upon to do it. Th cause of a party who offers his own oath, without r quiring that of his antagonist, wears generally a be aspect. The man, however, who does this, oug to hinge upon the purity of his character, whi renders it highly improbable that he would perju himself; or upon some religious scruple; and this he will succeed the better, if he behaves in su a manner as to appear to be neither forward in offe ing, nor backward in refusing to give his oath,* or the matter litigated be of so little importance, that cannot be presumed the party would damn hims for it; or if, besides the other evidences of the cau which are sufficient to prove it, he throws in l oath by way of superabundant evidence, and fro the consciousness of his own veracity.

When a party refuses to admit the oath of an o ponent, he may allege the inequality of the term though his opponent disbelieving, and himself b

* His Oath.] Orig. Ut non cupidè ad hoc descendere, sed hoc quidem recusare videatur. Though I have translated this cording to the obvious sense of the original, which the Abbé Gedo has likewise followed, yet I cannot think it is the meaning of author, who is not so properly speaking of a party's refusing to g his own oath, as his refusing to admit that of another. I theref suspect that the latter hoc refers to the oath of the other party.

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slippery sense of its importance, and, in effect,
to decide in his own cause.

the man who refers himself to the oath of his
onist, seems to act with modesty, by suffering
dversary to decide the cause; and the judge
thing to charge himself with; because one of
rties chuses to stand by his opponent's rather
is own oath.

anwhile, it is a matter of great difficulty for a
to refuse to give his own oath, unless the affair
stion be such as that he cannot be supposed
son to be master of it. If he is cut off from
cuse, he can have recourse only to another,
is, by alleging that his opponent's design is
r to render him odious, and to have some pre-
brawl against a decision which he cannot
off. With regard to himself; that a man of
principles would embrace the offer, but that
ses rather to prove what he advances than oc-
in the court the smallest suspicion of his being
ed.

en I was young in practice our old lawyers
o lay it down as a rule, never to require our
ent to give his oath. By this we deprived him
benefit of chusing a judge, nor could the judge
ven out of our opponent's advocates. For if

CHAP. VII.

CONCERNING WITNESSES.

MATTERS of proof occasion the greatest trouble to pleaders, and these appear either by written informations, or parole evidence.

It is easiest to deal with the former. For it is presumable* that in the presence only of a few witnesses, a man is under less constraint in betraying truth, than when he is in person in an open court, and that even his absence betrays a diffidence of himself. If the character of the principal party puts him above all reflections of this kind, then we may make free with the characters of the witnesses who sign his information. Against such witnesses a silent intimation lies; that a man who gives evidence by information does it voluntary, by which he confesses that he is an enemy to the party against whom he informs. A pleader, however, when on the prosecuting side may retort to this, that nothing ought to impeach the evidence of a man of credit, when it is offered either for his friend, or against his enemy. This matter, therefore, presents us with a large field of argument on both sides of the question.

With regard to parole evidence, the task is much harder; and therefore upon such occasions we point, as it were, two batteries; one that plays in a set, uninterrupted discourse, and another that discharges only interrogatories. In the former we begin with general observations either for or against the evidence offered. This is likewise one of the common

* Presumable.] Amongst the Romans an affidavit or an oath reduced to writing, required to be signed not only by the party swearing, but by other witnesses present.

fields

elds of arguments; for one party maintains that ne evidence which rests upon people's knowledge, irrefragable proof; while the other advocate, in rder to invalidate it, sums up all the arguments he an to shew that the informants may be mistaken. The next method is for a pleader to make his observations, not only upon single witnesses, but upon whole bodies of men. For we know that orators have invalidated the evidences of whole nations, and we discredit all such informations by the lump, as being no better than ouy-dire or hearsay evidence. For we do not admit them to be evidences, but the overments of people who have been injured: thus, in an action* of bribery, the person who swears that

* An action of bribery.] Though I find no edition or commentator has taken notice of this passage, yet I suspect strongly that somewhat here is either misunderstood, misplaced, or interpolated by some over-officious hand. For what reference has the case of an information not taken upon oath, and which, therefore, as our author observes, is to be treated as hearsay evidence, to that of a man becoming a prosecutor in an action of bribery, for having actually given money to the party accused? Perhaps the passage may be made consistent by a very small amendment of the original, by reading, non enim ipsos esse testes, sed *injuriatorum* afferre voces. Nay, this cannot be said to be an alteration, for the word injuriatorum seems by the consent of editors to have been the original reading; but because it is unusual it has been altered into injuratorum, viz. persons not upon oath. And the fondness of editors for this word has occasioned the inconsistency I am taking notice of. Be that as it will, the reading I propose certainly removes it, and in a very natural manner; for the sense then will be, that "when whole nations have lifted up their voices against a public oppressor, they were not considered as evidences, but as hearsays; because it was urged that their voice was that of the people who complained of being injured, and therefore it was not evidence. Thus the evidence (in a prosecution upon corruption) of the man who has actually given money to the accused, is set aside, because he is looked upon as a party in the prosecution." As to the word injuriatus, it is significant, intelligible, and stands in the manuscripts; and, if I mistake not, Seneca makes use of the term injurior, of which injuriatus is evidently the participle. I have, therefore, conformed my translation to the original reading.

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he himself gave money to the accused person is r looked upon as a witness, but as a party. Son times we direct our discourse against each individu evidence: This manner may either contain an i vective mixed with a defence, or it may be handl sparately, as Cicero does in his oration agai Vatinius.

Let me, therefore, thoroughly canvass this poir as I have proposed to carry an orator through tl whole of his education. Otherwise it would l sufficient for him to read the two treatises whi Domitius Afer composed upon this head; a pr fessor for whom I had the greatest regard when was a young man; nay, I not only read what I a now treating of, but received a great deal of it fro his own mouth.* With great justice he lays down as a capital point in the business of an orat to render himself intimately acquainted with t whole cause he is speaking to. This gives him v advantages during all the trial. I shall, in a prop place of this work, explain the means by which may gain this advantage. It is a circumstance th furnishes him with matter for examining evidenc and puts, as it were, weapons into his hand. likewise instructs him as to the disposition of mi to which, in his pleading, he is to form the judg For the business of a continued discourse is eith to confirm or to diminish the credit of witnesse because that credit depends, in a great measu upon the judge's being wrought into a disposition either believing, or not believing them.

* Mouth.] This shews the mistake which St. Jerom was un in his chronicle, in telling us that Quinctilian was brought in t 211th olympiad from Spain to Rome, by Galba; and that in t eighth year of Domitian, which was the 217th olympiad, he fi opened a public school at Rome, and received a salary out of t public treasury.

r, witnesses are of two kinds, those who are ary, and those who are compelled by the court evidence. The first is in common to both in a trial, but the prosecutor only is indulged atter; let us therefore distinguish between the ss of the pleader who brings, and him who re- witness.

party who produces a voluntary witness has ans of knowing what he has to say, and there- seems an easy matter to examine him. But his requires penetration and accuracy; for a s may be bashful, he may be irresolute and in- ent, all which must be guarded against. For vocates of the other party may, in such cases, them into confusion, or ensnare them, by they do their side a great deal more hurt than ould do it service, were they consistent and re-

An advocate, therefore, is to examine them and again before they come into court, and he y them with all the different questions which y suppose will be put to them by the other

By this means they either will be consistent nemselves, or a seasonable question from the r who produces them, will set them firm upon egs, if they should happen to stagger.

must likewise guard against the traps that e laid for witnesses who are even consistent hemselves. Very often they are thrown in ay by the opposite party, and, after promising us all the service they can, their answers are against us; in which case, their evidence car- th it the authority of one who makes a con- . We are therefore to examine into the s which a witness has for appearing against a

Nay, whether, after being enemies, they are e friends; whether a witness may not make traying us the price of his reconciliation with

the other party; whether they may not have recei money; and whether they have not repented of w they have done. All this is to be diligently guar against, even when a witness is to say nothing what he knows to be true, and much more when is to speak to what he knows to be false. For s are more apt to repent; their promises are more s picious; and though they should even persevere is more easy to detect or to stagger them.

With regard to those witnesses who are compel to give evidence, they are either disposed, or disposed, to hurt the party accused. The pr cutor is sometimes sensible of their dispositions, sometimes he is not sensible.

Let us suppose the former case; yet still the aminer is to proceed with the utmost circumspect and art. If he produces a witness who is all on to ruin the party accused, great care ought to taken that he does not betray an over-eagerness. is not to be at first abruptly examined upon the v point that is tried, but he is by round-about ways be conducted so as that the evidence which the aminer chiefly wants him to give, may seem to wrung from him. Neither are we to press him u every circumstance that may relate to the trial, l by his readiness to answer all questions, he sho invalidate his own evidence. No, it is sufficien his evidence is as full as may be expected to cc from a single witness.

As to a witness who is, against his will, brou to give evidence, a pleader's great happiness lies his forcing him to say what he does not mean say. The only method of doing this is, by beg ning to question him upon matters that seem widl the cause. In this case he may give answers, wh he does not think can affect the cause, and then recapitulating all he has said, he may be brought i

such a dilemma, as to be unable to deny what he had no intention to say. For as in a pleading, after we have collected all the evidences that seem to have no relation to one another, and which when considered singly, do not seem to affect the accused party, but bear hard upon him when they are collected together and accumulated; in like manner, a witness of this stamp is to be examined again and again, as to what preceded, as to what followed, as to time, place, person, and the like circumstances, so that he may be brought to make answer in such a manner, as to oblige him either to answer in our favour, or to contradict what he had said before. If this does not happen, it is plain that he is to be brought into no avowal. And we are then to amuse him with questions foreign to the cause, so as to catch him tripping, though it be even in an indifferent matter. We may likewise dwell long in examining him upon some single matter of fact, in order to render his evidence suspected by his declaring in favour of the accused, all, and even more than is for his purpose; and by this means he will do him as much prejudice, as he would have done him service, had he confined himself strictly to truth,

Supposing (as I stated in the second place) that an advocate is ignorant of the dispositions of a witness who is to be examined; in that case, we are by degrees, and step by step, as it were, to feel his inclination by our questions, and gradually to lead him to the answer we wish him to give. But because sometimes witnesses are artful enough to answer according to an examiner's mind, that they may, with the more confidence, contradict him afterwards, it is the business of a pleader, when appearing for an impeachment, to finish the examination of a suspected witness as soon as he has given in evidence what makes for the prosecutor's purpose.

As

As for the advocate who appears for the defendant, he has in one respect some advantages over the prosecutor, and in other respects he is under some disadvantages, which his antagonist is not subject to, in examining witnesses. He is under a disadvantage by its being next to impossible for him to know, before trial, what the witness is to say. But then he has the advantage of knowing what he has said, after being questioned. In his state of uncertainty he ought to be extremely cautious and prying into the character of the prosecutor, into the nature and motives of his enmity to the accused; and those ought to be set forth or softened in his pleading, as he sees occasion to represent the witnesses, to be spirited on, by resentment, by envy, by the thirst of popularity, or by the love of money. If the opposite party's witnesses are few, he is to charge the evidence with deficiency; if numerous, he is to represent the prosecution as a conspiracy; if the witnesses are mean, he is to render them despicable; if they are men of consequence, he is to enlarge upon the pernicious influence of power. Meanwhile, he will find his greatest account in exposing the motives of the prosecution, which differ according to the nature of the cause, and the complexion of the prosecutor. For with regard to the allegations against his evidence, which I have already mentioned, his replies are common and ready. Where the witnesses are few and mean, the prosecutor can make a merit of the honest manner in which he goes to work, by bringing no witnesses, but those whom he knew to be well acquainted with the fact in question. With regard to the variety and importance of the witnesses brought, there is no great difficulty to run out in commendation of such evidence.

It is usual to speak in praise of witnesses, and as usual

is to be brought against witnesses, that de-
tirely upon their personal character.
other manner is that of interrogating; and
. point here is to know the witness. If ti-
may be terrified; if simple, deceived; if
le, provoked; if ambitious, flattered; and
ed, he may be puzzled. But if a witness
to be a man of sense and resolution, and,
ne time, your enemy, and sturdy in his
you are instantly to dismiss him without
tions, but you may take off the edge from
has said, by some smart observation; or, if
e an opportunity, you may turn him into
by some humourous remark; and if his
re liable to censure, the infamy of his life
roy his credit. It may be for your advan-
to press too far upon a witness who is a
probity and modesty; for we very often see
h a man may be won over by gentleness,
ie may be exasperated by petulancy.
every interrogatory is either confined to the
reaches beyond it. With regard to those
to the cause, I recommend the same prac-
id to the prosecutor; for here the advo-
putting questions that lie at a distance, and
g a following question to a preceding an-

any example to be followed, I should recommend the dialogues of the Socratic philosophy, and particularly of Plato; where the interrogations are so arch, that though most of them receive fair answers, yet they come at last to the point which the questioner wants to effect. Sometimes, it is true, it happens by chance, that a witness may be a little inconsistent with himself, and very often one witness contradicts another; but an arch way of interrogating brings on methodically, that which, in other cases, happens fortuitously.

It is likewise usual to put a great many serviceable questions upon matters that reach beyond the cause. For instance, a witness may be examined upon his own life and conversation, and upon those of the other witnesses, whether they are scandalous, whether they are mean, whether they are friends to the prosecutor, or enemies to the defendant, that in such questions they may either let fall somewhat that may be of service to you, or be exposed by prevaricating, or by being over-eager in the prosecution. But, above all things, a pleader ought to be extremely circumspect in the questions he puts; because very often, when the witness is a man of humour, he puts an advocate out of countenance by the smartness of his repartees, and he is sure to have the laugh on his side. The expressions you make use of ought to be plain and familiar, so as that the witness (if, as is often the case, he is a man of no great capacity) may understand you; or, that he may not, by archly pretending not to understand you, turn you into ridicule.

Some execrable practices there are, such as that of sending a suborned witness to sit on an adversary's bench, in order to do him more prejudice when he gives his evidence; or that of just rising from the side of the accused, and giving evidence against

redit of the evidence of others, which might
vise be of real service. I mention, I say, all
infamous tricks, not that they may be prac-
but guarded against.
ften happens that the written informations *
with the parole evidence. And this too opens
l for disputation, where one side stands up
e credit of the oath, and the other for that of
ubscribers to the information, in which they
unanimous. There is often a difference with re-
to the witnesses and the arguments. One
maintains the certainty of the evidence, which
firmed by the sanctity of an oath, whilſe argu-
are to be considered only as the inventions
ertile brain. The other side represents, that
ness may be influenced by popularity, fear,
y, resentment, hatred, friendship, and am-
, but that arguments have their source in the
e of things; that, in the one case, a judge
es his own senses; but, in the other, he gives
up to another person. Such questions are com-
to a vast number of causes; they often have
and ever will be, matters of dispute. Some-
each side brings witnesses, that contradict
of the other; and three considerations are re-
l for determining the judgment. The first re-

gating parties; Which party is possessed of most power?

If the reader expects that I am here to mention divine evidences, as they rise from the answers and oracles of the gods, or from omens, I am to inform him that these are handled in two manners. The first is general; and here there is an eternal dispute between the Epicureans and Stoics, upon the existence of a providence * that governs the world. The second manner is special, and regards the particulars of the divine evidence, as applicable to the question in dispute. For oracles admit of one method, both of being established and destroyed; auspices, auguries, dreams, and astrological schemes, of another, because they proceed from entirely different principles.

The establishing or destroying circumstances of this kind, open likewise a large field for pleading. For instance, expressions that proceed from the force of wine, of sleep, or of madness; and discoveries that are made by infants. For there, one party alleges that no imposition enters into the one; and one, that no meaning attends the other. Circumstantial proof has not only great weight, but ought to be called for, whenever omitted in the pleading of our adversary. You gave me money; Who told it out? Where, and when, did I receive it? You accuse me of poison; Where did I buy it? From whom? In what quantity? By whom did I administer it? Who was by? All which circumstances are discussed by Cicero in his pleading for Cluentius, who was accused of poisoning. I have

* Providence.] I am not quite clear that the Stoics admitted the doctrine of a particular providence, therefore our author's meaning must relate to the general providence, or wisdom, by which the system of nature is directed. And the sentiments of the Stoics are not over favourable even to that opinion.

now

second kind of proofs, which are entirely
l, and consist in those circumstances that
per for engaging the assent, and convincing
nd, is generally either wholly neglected, or
ightly touched upon, by those who, declin-
e rugged, the thorny paths of argument,
wanton upon the more gay and delightful
Such pleaders resemble those hunters after
mentioned by the poets, who, intoxicated
taste of the Lotos, and lulled by the songs of
ens, preferred pleasure to safety; and while
ere chasing the phantom of glory, were dis-
in the race of true glory, which ought to have
eir sole aim.

truth is, the smoothness of language, and
er circumstances by which the stream of a
se glides so easily along, ought to be con-
only as assistants to arguments; or as
ics, giving a complexion and plumpness
skin of that body which is knit and strung
guments, as the human body is with nerves.
if we happen to touch upon any action
the result of resentment, fear, or avarice,

sider as being undeniable. There is, indeed, some merit in making a speech delightful to the hearer, and great merit when it moves his passions. But those circumstances operate most powerfully, after the judge is fully master of the proof; which it is impossible for him to be, but by arguments, and every other evidence which the nature of the thing admits of.

Before I point out the different sorts of artificial proofs, I think it requisite to mention that certain properties are in common to all proofs. For no question can arise, that does not relate either to a thing or a person. Neither are general topics applicable, but to somewhat that concerns things or persons. These are to be considered either as independent or relative. Neither can there be any confirmation of a proof, but what arises from what went before, from what followed after, or from contradictory circumstances; and they necessarily must happen at a past, present, or a subsequent time. One thing cannot be proved but by another; which must be either greater or less than it, or equal to it.

Arguments arise either from questions that may be considered as detached from all connexion with things and persons, and as existing independently: or they may arise from the cause itself, when something is discovered in it that is different from the common course of reasoning, and peculiar to the question that is to be tried.

With regard to proofs, they may be divided into those that are certain, those that are presumptive, and those that are not inconsistent with themselves. Let me observe farther, that all proofs may be reduced to the four following kinds. Because one thing is, another is not. Thus, It is day, therefore t is not night. Or, because one thing is, another thing

is likewise. Thus, The sun is above the ho- therefore it is day. Or, because one thing is nother is. Thus, It is not night, therefore it . Or, because one thing is not, another is Thus, The creature is not rational, therefore ot human. I now pass from generals to par- s.

CHAP. IX.

CONCERNING PRESUMPTIVE PROOF.

on the whole, all artificial proof consists, in presumptions, arguments, or examples. sensible that presumptions are generally con- ed with arguments, or evidence; but I have easons for distinguishing them. The first is, se presumptions are almost of the same with inartificial proofs. For a bloody gar- a shrieking-out, a discoloured, or a livid, and the like, are evidences of the same kind, itings, reports, and witnesses are; neither ey invented by the orator, but are part of his ctions in a cause. My other reason is, That presumptions, as cannot be mistaken, amount re than arguments; because, when such ap- here can be no dispute. Now, an argument is used but in disputed matters. And a pre- ion that is doubtful, or may be mistaken, is argument, but requires arguments to sup-

sumptions, therefore, are first to be divided wo sorts; one, where the consequence is ne- y; the other, where it is doubtful.

first case, I mean that of necessity, scarcely within the rules of our art; for, where the

consequence must necessarily follow the presumptio there can be no ground for dispute. Now, th happens in all cases, that necessarily must happen, have happened; or the reverse; in cases that nece sarily cannot have happened, nor can happen afte wards. In all such cases, I say, there can be n room for litigation, but upon the fact.

This kind of presumption is to be examine through all times, past, present, and to come. A example of the past is, When a woman has borne child, it is a presumption she is no virgin.* An ex ample of the present is, That the sea must roll whe it is ruffled by the wind. An example of the futur is, That a man must be dead, after his heart i wounded. Nor is it possible, That a crop shoul arise where no seed has been sowed: That a ma should be at Rome and Athens at the same time: Or that he should be wounded with a weapon, with out having a scar upon his body.

Some presumptions are, as it were, caught at rebound. For example, The man who lives breathes, and the man who breathes lives. But the conse quence is not always reciprocal; nor can we say, That because the man moves who walks, therefor the man walks who moves. In like manner, It i possible for a woman, who has not had a child, to be a virgin: That there may be a roll of the sea, though it is not ruffled by the wind: and, That a man may die, though he has no wound in his heart.

Some presumptions there are, which have no ne cessary consequence; and though in themselves they

* Virgin.] The reader may think it a whimsical observation, but I cannot help thinking, that the three examples here brought are strong evidences, or, to speak in our author's terms, presumptions, of the antiquity of the gospel history; unless we suppose contrary to all credibility, that Quinctilian stumbled upon them by chance. We here see the facts of our Saviour's birth, his miracles, and his resurrection, attacked in the strongest manner.

are

are not decisive in fixing the judgment, yet are very weighty when connected and compared with others.

Some presumptions may be termed indications, or marks, for tracing out a fact in question. Thus, blood being found confirms a suspicion of murder. But, as a man's garment may be bloodied by standing too near a beast that is killed for sacrifice, or by his bleeding at the nose, we are not therefore to conclude, that every man, whose cloaths are bloody, has been guilty of homicide. But, though this presumption, of itself, is of no great weight, yet it becomes very strong, when joined to other circumstances. For example, when it is proved that the accused had threatened the deceased, that he entertained an enmity towards him, and that they were together upon the spot where the deceased's body was found. Now, when a presumption is strengthened by positive proofs of this kind, suspicion then rises, as it were, into certainty. Some presumptive proofs there are, of which both parties may avail themselves, such as discolourings, and swellings, which may equally be the symptoms of crudities as of poison. And a pleader has as much reason to charge the deceased with having given himself the mortal wound, as another has to charge the accused. The strength of such presumptions, therefore, depends on the manner in which they are supported by other proofs.

Hermagoras reckons the following amongst the presumptions that have no necessary consequence. Atalanta is no virgin, because she used to stroll through the woods with young men. But if we admit such circumstances as these to be presumptive proofs, I am afraid we must admit every thing that relates to a fact to be so likewise. And yet such circumstances have been regarded in the light of presumptive

tive evidence, and that too of the strongest kind.* For, when the judges of the Areopagus condemned to death a boy for picking out the eyes of live quails, they must have considered that barbarity as a presumption, or symptom of a disposition horridly cruel, and which, should the boy grow up, would do infinite mischief in society. Upon the same principle, the Romans considered the profuse popularity of Spurius Melius and Marcus Manlius, as symptoms of their ambition to become kings of Rome. But I am afraid that this principle, if too much indulged, may carry us into absurdities. For if a woman is presumed to be an adultress because she washes along with men, she must be presumed to be the same if she eats at table with young gentlemen, nay, if she is intimately familiar with any one. For the same reasons, we may call a smock face, a sauntring air, and a flowing garment, marks of effeminancy and unmanliness, in the same manner as blood is a mark of murder, because they generally attend immodesty; for a mark is properly that, which, our senses tell us, is connected with the matter in question. Prognostics, likewise, are marks, according to the common observation. Virgil† tells us, that the redness of the moon is a sign of wind, and the chattering of the jay of rain. And, indeed, they are rightly termed marks, if their causes are owing to the nature of the air. For, if the moon grows red with wind, that redness is a sign of wind; and if, as the same poet supposes, a condensed thick air makes birds to chatter, we look upon that chattering as a mark of the air's quality. Now, very small matters may

* And that too, &c.] I have been obliged to throw in these words, because I think my author's sense requires them.

* Virgil]——Vento rubet aurea Phœbe. Georg. 1.
—Cornix plena pluviam vocat improba voce. Ibid.

presage great things: for instance, the chattering of the jay, which I have mentioned; nor can it be surprising, that great bodies should furnish intimations, by which we may judge of small ones.

CHAP. X.

CONCERNING ARGUMENTS.

We comprehend, under the term of argument, the ἐνθύμημα, the ἐπιχείρημα, and the συλλογισμός, of the Greeks; all which, though they differ in their names, are pretty much the same in their sense.

The ἐνθύμημα, which we cannot well express in any other language but the Greek, signifies any conception of the mind; but we are not here to treat of it in that sense. It signifies, likewise, a proposition, with its reason annexed. Its third signification is, a determined conclusion of an argument, either by necessary deductions, or from contrarieties. But authors differ with regard to this matter. For many are of opinion, that nothing is a true enthymema, but that which is founded upon opposition, and therefore some call the first kind I have mentioned an epichirema. Cornificius calls it the argument of contrarieties. Some term it a rhetorical syllogism: others, an imperfect syllogism, because its parts are neither so distinct, nor so numerous, as a logical syllogism is, which is not much required from orators.

Valgius defines the epichrema to be circumstances brought to confirm a proposition. But Celsus thinks that an epichirema does not consist in our expression, but in the matter itself, that is the argument, by which we are to prove a proposition, which we have only in idea, before we cloathe it with words. But others think, that, far from consisting of an argument

ment that is only intended and unfinished, it implies an argument that is, in all respects, perfect and complete. Therefore, properly, and usually, it is taken to be a proof consisting of three propositions. Some have called the epichirema, reason* itself, but Cicero more properly defines it to be reasoning. Which term, however, has relation to a syllogism. For Cicero terms a syllogism a manner of reasoning, and confirms it with some logical examples. And, because there is a resemblance between the syllogism and the epichirema, he is perhaps in the right to blend them together under the same denomination.

Demonstration is evident proof; and such are geometrical demonstrations that are worked by letters. Cæcilius is of opinion that it differs from the epichirema, only in the manner of its conclusion. Whatever may be in this, it is certain all are agreed, that it is a manner of proving a doubtful proposition, by means that are plain and evident; a property that is in common to all arguments, for we never can make use of uncertainties to prove certainties. All those terms amount to no more than a proof of a matter, or the motives of our belief.

The word argument, however, is taken in other senses. The narrative of a dramatic subject or composition is called its argument. And Asconius gives us the arguments of Cicero's orations. When Cicero writes to Brutus, he says, " you were perhaps afraid that I should spoil my treatise upon old age, with something of that kind, though their arguments are very different." Thus we see that every subject of writing is termed an argument. But to pass over this, and several senses of the word, I am to speak of an argument as it implies proof, discovery, credibility,

* Reason.] Quidam epichirema rationem appellaverunt, Cicero melius ratiocinationem

and

and confirmation, all which, I think, relate to one matter.

I take an argument, therefore, to be a method of proof by which one circumstance is collected from another, and a doubtful matter is resolved by means that are certain. From this definition it follows, that in every subject of reasoning there must at least be one certain point, which we are to take for granted. Were it not for this, there could be no footing for the proof of a doubtful matter.

Now every thing is taken for granted that we perceive by our senses, such as those of seeing and hearing; and marks, or symptoms, come under this denomination. Universality of belief, likewise, establishes a certainty. Thus all mankind believe the existence of the gods, and that it is their duty to honour their father and their mother. All legal institutions, all opinions established, though not universally, yet by the practice of the country or state, where the dispute lies, are to be held as established points; for matters of right are generally determined not so much by positive statutes, as by constant and universal custom. We are likewise to take f r granted whatever both parties agree upon, whatever is proved, and whatever is not contradicted by the opposite party. We may form an argument in the following manner. As providence* governs the world, so wisdom ought to govern a state; now we conclude, if providence governs the world, that wisdom ought to govern a state.

A man who handles an argument ought to be extremely well acquainted with it, and the force, the nature, and the effects of every circumstance relative to it. For he is thereby enabled to render it cre-

* Providence.] I have endeavoured to form some kind of an argument out of the original here, but it is extremely perplexed and corrupted.

dible.

dible. Now I distinguish three kinds of credibility; the first is the strongest, because it generally happens; for example, that a parent has a natural affection for his children. The second is more likely to be true than false; for example, a man who is in good health to-day will to-morrow be alive. The third kind is barely not repugnant to credibility; for example, the robbery that has been committed in a house, has been committed by one of the family. Aristotle, in his second book of the art of rhetoric, has a curious dissertation upon the circumstances that generally affect men and things; upon the agreement or disagreement which nature has implanted amongst men and things, and their mutual relation to each other. He has likewise described the characters of the avaricious, the ambitious, and the superstitious man; with all that gives delight to the good, or is pursued by the bad, and the different studies of different ranks of men, such as soldiers, farmers, and the like, with the means of avoiding, or obtaining, the several objects of their aversion or love.

For my own part, I here take my leave of that subject, which is not only tedious, but impracticable, or rather infinite; and the conception of it, besides, depends upon that measure of common sense, with which every man is endued. If any one however desires to be better acquainted with it, he may have recourse to the treatise I have mentioned.

With regard to credibility, upon which the greatest part of all reasoning is built, I shall here give some examples, by which the reader may see how other credible propositions are formed. Is it credible that the son murdered his father? Or, that the father committed incest with the daughter? On the contrary, Whether a step-mother has been guilty of poisoning? Or, an abandoned youth of adultery? We have other examples, Whether it is credible that such

villainy should be perpetrated in the face of
hole world? Whether, for a paltry sum of
r, such a witness has been guilty of perjury?
the measure of credibility in each of these ex-
s depends upon each agent here mentioned
g generally a peculiar cast of disposition; I
nerally, and not always, for then the propo-
would cease to be credible, and become
n.*

: us now beat about the fields of arguments,
ich I mean the topics whence they are drawn;
h some readers may perhaps think that I have
y done that in the examples I have just now
. I call them fields, or topics, not in the
al sense of the word, as when they are applied
: subjects of debauchery, adultery, and the like;
mean the mansions where arguments lie, and
s it were, concealed, till we bring them to
For every soil is not proper for every product,
f you are ignorant of the properties of grounds,
never can know where to find wild-fowl or
on. Fishes, in like manner, have their haunts;
kinds love a smooth, and some a rough coast;
ome fishes are peculiar to certain climates and
ries. Some fishes, frequent in other countries,
ot to be found on our coasts. In like manner,
ot every subject that furnishes every sort of
nent. Unless we search with skill we cannot
ed but by chance, and consequently we must
great deal of travel and a great deal of time in
earch. But if we know the properties of every
if we know the nature of the fields where argu-

ertain.] The two first examples here given have little credi-
in them; but we are to observe that our author supposes the
xample to be very credible, which does no great honour to
neral character of Roman stepdames.

ments

ments lie; whenever we come upon the spot it is easy for us to see what it contains.

In the first place then, arguments often arise from persons; all questions, as I have already remarked, having relation to persons and things. Now the motive, the time, the place, the opportunity, the instrument, the manner, and the like, are accidents of things. As to the accidents of persons, I shall not, as some have done, pretend to give a detail of them here, but content myself to point out such of them as furnish us with arguments.

Amongst these I give the first place to BIRTH. For children are generally presumed to resemble their parents and their ancestors; and sometimes their birth is a strong inducement towards their living with credit or discredit in the world.

NATION. For every nation hath peculiar manners and characters; and the Barbarian, the Greek, and the Roman, differ from one another in their ways of thinking.

STATE. Because states likewise differ from one another in their laws, their civil institutions, and their political principles.

SEX. Thus it is more probable a man should be guilty of a robbery upon the high-way, and a woman of poisoning in private.

AGE. Because every age has its own pursuits and pleasures.

EDUCATION AND BREEDING. Because it is of great importance to know under whom and in what manner a person was brought up.

THE BODILY CONSTITUTION OF A PARTY. For very often the complexion of a person is made use of as a presumption of his being lustful, and his strength of his being insolent; and the contrary.

FORTUNE.

RTUNE. For an allegation may be probable applied to a rich man, but not, when to a poor the former having store of relations, friends, ependants; and the latter being destitute of all.

NDITION. For there is a wide difference be- eminence and obscurity; between a magi- and a private person; between a parent and a ; between a citizen and an alien; between a man and a slave; between a married man and elor; between the man who has children and an who has none.

E NATURAL DISPOSITION. For avarice, pas- pity, cruelty, severity, and the like quali- ither strengthen or weaken credibility in cer- ses.

DIES likewise. The farmer, the lawyer, the ant, the soldier, the sailor, and the physician, ll of them different ways of thinking and act-

are likewise to consult what a party affects; er his affectation lies in being thought rich quent, just or powerful. We are to regard st deeds and sayings, because we thereby abled to make some estimate of the present. these some add commotion, which is defined an instantaneous movement of the mind to- anger, fear, or the like. As to designs either t, past, or future, it is true they relate to the , but yet I am for ranking them amongst the s that arise from causes, as I would the dis- n of mind, by which a man becomes a friend enemy.

e reckon the name amongst personal argu- ; but though every person has a name, yet it m that any argument rises from it; unless is some motive for bestowing upon a man a particular

coloured. The defendant likewise is to avail him of the consideration of time, in order to destroy charge urged against him. In short this consid tion comprehends every thing that is said to spoken or acted, during the course of a thing t is tried, and that in two manners.

For some actions have a prospect, and som retrospect. For instance, when a man is accuse pimping his own wife who is very handsome, an is urged against him, that he married her, that might get money by letting her out to others, kn ing beforehand, that she was a common prostitu A young rake is accused of murdering his fat and he is charged with having said to him, Y never in your life shall reprimand me again. N the former is not a pimp for marrying, but he m ries because he is a pimp. Nor does the ot murder his father, because he dropped that exp sion; but he dropped that expression, because had determined to murder him.

As to arguments furnished by accidents, t undoubtedly relate to subsequent circumstan but they are marked by some property, as when say, Scipio was a better general than Hannibal, he conquered Hannibal. Such a man is an ex lent pilot, for he never was shipwrecked. S another is an excellent farmer, for he has k crops. Thus we say, in the reverse, Such a m has been a spendthrift, he has run out his fortu he has lived in an infamous manner; or, he is u versally hated.

In all conjectural matters, the means and abil which a party has for executing an action, is a m consideration. Thus, we are most apt to beli "that the many butchered the few; the str the defenceless; the wakeful the sleeping; the signing the unsuspecting." The following c

siderat

siderations have likewise great weight in trials. Whether a man had the inclination; and, Whether he had the abilities. For the hopes of success often prompt the will. Thus, we find Cicero stating a conjectural case as follows.* "Clodius, says he, way-laid Milo, and not Milo Clodius. Clodius met him equipped, upon horseback, unattended by his chariot, without any incumbrances, without any of his usual Grecian servants, and, what was more extraordinary, without his wife. While the traitor before you, who had set out with a murderous intention, was riding in a chariot with his wife, muffled up in his cloak, surrounded by a numerous incumbrance of servants, fearful women, and feeble boys." With the means and the abilities, we may connect the instrument; which, indeed, partly furnishes out the abilities, and sometimes gives occasion to very strong presumptions: as for example, When a dead body is found with a person's sword sticking in it.

The manner, likewise, of doing a thing is to be considered; for that regards both the quality of the fact, and the law. For instance, I may have occasion to maintain, That an adulterer ought not to have fallen by poison, but by the sword. The means may likewise aid a conjecture; for instance, were I to say, "that a thing's being done aboveboard, shews it was done with a good intention; or, that a thing has been done with a bad intention, because it was done insidiously, in the night-time, and in a solitary place."

Now, with regard to circumstances, the nature and purport of which are examined independently of persons, and other things that constitute a cause, we are, doubtless, to regard, Whether the thing is?

* Clodius.] The words quoted here in the original by our author, are not the precise words of Cicero, and which I have translated.

what it is? and of what nature it is? But, as each of those considerations suggests the same common matters of argument, I shall forbear running them into subdivisions, and refer them to the several places where they occur.

A definition likewise suggests matter of argument in two manners; for we may examine either directly, Whether an action is virtuous? or, we may previously examine, What is virtue? In like manner, we may define a word in general; for instance, rhetoric is the art of speaking well. Or we may define it circumstantially; rhetoric is the art of forming, arranging, and pronouncing a discourse, with strength of memory, and propriety of action. Sometimes our definition is taken from the property of the thing defined; and sometimes it is expressed in the word. Thus we say, that "a man is finical, from his being over-fine; or, that he is a landed gentleman, from his having store of lands;" and so forth.

Definitions relate chiefly to the kind, the species, the difference, and the property of things; and all these furnish out arguments. The kind does not go far in proving the affirmative of a species, but it goes very far in proving its negative. For instance, A tree is a tree, but that does not prove it to be a plane-tree. On the other hand, If it is not a tree, it consequently cannot be a plane-tree. Such a thing is far from being a virtue, therefore it must be far from being just. We are therefore to proceed from the kind to the most characteristical species. If we say man is an animal, that is not enough, because it does no more than mark out the species. If we add, a mortal animal, we mark, indeed, the species, but it is a species that is in common to other animals. But if we add, a rational animal, that characteristic renders the definition complete.

The species, undoubtedly, on the other hand, marks out the kind, but it does not go so far in dis-

proving it. Thus, justice is a virtue; but that which is not justice may be a virtue likewise, such as fortitude, continency, and resolution. Therefore the kind ought never to be separated from the species, without separating, from that kind, every species that depends upon it; in this manner, that which is neither immortal, nor mortal, is not an animal.

To the kind, and the species are added properties, and differences; the former establishing, and the latter destroying a definition. A property is that which is peculiar to one subject, such as speech and laughter to man. Or, a thing may have a property, but it may not be peculiar to it; thus, fire warms. One thing may have several properties; fire, for instance, gives light as well as heat. Therefore, whenever a property is wrong applied, the definition is imperfect. And a definition may contain a property without being complete. We very often have occasion to examine into the properties of things; for example, the etymology of the word leads us to conclude that a tyrannicide, properly speaking, is a man who kills a tyrant. But this I deny; for, if a man, by his profession, is an executioner, and if a tyrant is put into his hands in the course of justice, he is no tyrannicide, though he puts him to death. Neither is he a tyrannicide, if he kills him inadvertently, or unwillingly. Now, wherever a property does not answer, a difference must arise. To serve is one thing; to be a slave is another. The following is a point we often handle in cases of those who serve their creditors, till such time as their debts are discharged. A slave, if made free, becomes a freed-man; but that is not the case with regard to the man who is obliged to serve his creditors. We have many instances of the same kind, which I shall treat of in another place.

When we divide the kind into the species, and add somewhat

somewhat that distinguishes the species, we call it a difference. An animal is the kind; mortal is a species; two-legged or four-legged is the difference that distinguishes it from a fish, or a reptile, without either being a property peculiar to any species of animals. This observation, however, is not so useful in arguing, as in assisting us to define accurately.

* Cicero tells us, that a definition is improved by division; but he distinguishes such a division from an oratorial partition, which divides the whole into parts, whereas the other points out each different species of the same kind. He tells us, that the number of parts is uncertain; for example, it is uncertain how many subjects live under one government; but we are certain as to forms. Thus, we know how many sorts of government exist, which are three: one wherein the people, another wherein a few, and a third wherein one man is sovereign. Cicero, who addressed his work to Trebatius, who was a lawyer, chuses to make use of instances from the law, instead of those I have given, and which, I think, are better adapted to common understandings.

Now, properties form part of a conjectural cause. Thus, where a man is a good man, his property is to act uprightly, *and we are to presume that he does*,† as we are, that a passionate man is apt to fall into indecent language. On the other hand, and for the same reason, though drawn from different subjects, we are to presume that there are certain things, of which certain persons are incapable.

Division is equally effectual in proving as in refuting an allegation. In proving it is enough to at-

* I have omitted a few lines of the original, which are neither material nor intelligible; but I durst not venture to follow Mr. Rollin's example, in omitting a great deal more.

† The sense here seems to require the words in italics to be added.

tach

tach yourself to a single part. Thus, you maintain that a man is a Roman citizen, by proving that he either was born, or was made one. But, if you are to destroy this allegation, you must disprove both propositions, and shew, that he neither was born nor was made a Roman citizen. And, as this division may increase, so there is a kind of arguments for removing allegations, by which we sometimes shew the whole to be false; and sometimes that only one allegation, of many, is the true one. We prove the whole to be false in this manner. "You say, you lent this money; now, you must either have had it of your own, or you must have had it from some one, or you must have found it, or you must have stole it; but if you neither had it of your own, nor received it from another, &c. then it is plain you have not lent it." You establish a single allegation, out of many others, which you remove in this manner. "This slave, whom you claim as your's, was either born in your family, or you bought him, or he was given you as a present, or he was taken in war, or he belongs to another person." Then, by removing all the foregoing propositions, you prove the last to be the only true one of the whole.

In divisions of this nature, you must carefully examine the kind, otherwise you may do great prejudice to your cause. For, in laying down your proposition, if you omit any one species arising from the general head, you may ruin the whole of your pleading, and be, at the same time, turned into ridicule. Cicero is very cautious, in this respect, in his pleading for Cecinna. When he puts the question, If it is not a matter of violence that is now to be tried, what is to be tried? Here, at a breath, he removes all allegations. Or, when two incompatible propositions are laid down, yet both equally operat-

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ing sufficiently to prove our purpose; an example of which we have in Cicero's pleading for Cluentius.

One thing, says he, my lords, which the greatest enemy Cluentius has must agree in with me, is, if that bench shall appear to have been corrupted, it must have been corrupted either by Habitus or Oppiniacus. If I shew that it was not corrupted by Habitus, it must have been by Oppiniacus. If I shew that it was by Oppiniacus, then I vindicate Habitus.

An argument may be divided into two parts, so as to oblige our adversary to admit one of them, though both are equally hurtful to his cause. Thus Cicero, when he pleads for Oppius; Whether, says he, was the sword wrenched out of his hands upon his attacking Cotta, or when he attempted to kill himself? And in his oration for Varenus, You have, says he, your option to believe that the journey of Varenus was purely accidental, or that it was by the inducement and persuasion of the other. And then he turns both propositions against the impeacher. For example; In disputing against the vanity of phylosophy, we discover philosophy. Why are we to make use of a figure if the thing is intelligible? And why should we make use of one, if it is unintelligible? A man will prevaricate upon the rack, if he can endure torments; he will prevaricate if he cannot endure them. I have already mentioned the past, present, and the future, as the three periods of time. I am now to observe, that naturally every action is terminated in three movements as I may call them; for every thing has a beginning, a growth, and an end. First a fray, then bloodshed, then murder. Here, therefore, is a place that supplies us with arguments, which prove one another; for the end is inferred from

the beginning.* The woof is black, and how
he web be white? On the contrary; Sylla had
nbitious motive in taking up arms, as appears by
esigning the dictatorship. In like manner, argu-
s may be drawn from the growth of a thing,
h may point out its beginning and ending; and
not only in the conjectural state of a cause, but
n it turns upon a matter of law; as when we in-
e whether the effect does not proceed from the
ning. For instance, Is not the man who began
ray to be considered as the author of the blood-
that ensued?

guments are furnished from similars. For ex-
e; If continence be a virtue, abstinence is one

If a guardian is obliged to find security, an
t ought to do the same. This manner is, by
ro, termed induction. Arguments are like-
drawn from dissimilars. Though chearfulness
appiness, pleasure is not. Though you may
money to a woman grown up, yet you are not
ay it to a minor, without the guardian's order.
ments likewise arise from contrarieties. Fru-
y enriches, because luxury impoverishes. If
brings penury, peace will bring plenty. If we
t to pardon the man who hurts us without
rning it, we owe no thanks to him who serves us
out designing it. Arguments likewise arise
contradictions: The man who is wise is not a

And from consequences, or inferences: if
se is a public benefit, it ought to be administered
htly. If treachery is an evil we never ought to
y. Each of these propositions may be reversed.

Orig. Non possum togam prætextam sperare, quum exordium
n videam.] Though both the sense and the letter of this
e direct us to the meaning which I have given it in the
ation, yet it seems to be a proverbial saying, and we are at a
to the original propriety of it.

The

man will act with credit, and a wicked mar reverse. And all who do the first are good r and all who do the latter are wicked."* A ferent example is; " Frequent exercise gen renders a man robust; but it does not follow every man who is robust makes use of freq exercise." Fortitude takes from us the fe death; but it does not follow, that every who has no fear of death has fortitude." " heat of the sun may make a man's head but it does not follow that the sun is hurtfu mankind."

The following arguments are suited to the berative kind. Virtue gives us glory; therefor ought to court it: pleasure, infamy; therefor ought to avoid it. Now we are very properl joined not to impute effects to causes too far like the old woman in the Medea of Euripides, imputes the misfortune of her mistress to the cutting down of wood for the construction of And Philoctetes tells Paris, " had you known to command your own passions, I had not been miserable." This way of retracing causes to

* Orig.] Si sapientia bonum virum facit, bonus vir est uti piens. Ideoque boni est honeste facere; mali, turpiter: honeste faciunt, boni; qui turpiter, mali recte judicantur.] is here no great precision of terms, for the passage seems to b ed from memory, out of some of Cicero's works, and, as has suffered. I have however endeavoured to give the me without deviating from the letter of my author,

† Orig. inutilis] I do not know what the authors of le dictionaries, translations, &c. may have observed with reg this word, but I am here, once for all, to acquaint my that the philosophical sense of it, both with Cicero and my is not a " thing without advantage, or without profit, but that is against both, a thing that is hurtful, prejudicial, or in nient." It is inconceivable what inaccuracies the not atten this observation has occasioned in the learned world.

, makes the conclusion too fanciful to be ven-
upon.
should think it ridiculous here to rank the con-
ted argument, had not Cicero done it; for surely
a just man acts justly, requires no proof. Or
a common ought to be in common.
rguments are called apposites or comparatives,
n the greater is proved by the less, or the less by
greater, or an equal by an equal. In conjec-
l cases, the less is proved by the greater, in this
ner, the man who has been guilty of sacrilege,
be guilty of theft. The greater by the less, in
manner, a ready and a bold liar will not stick at
ıry. An equal by an equal, as follows, the man
takes money to give an unjust judgment, will
it to give a false evidence. The same way of
ing holds in legal matters. From the greater; if
lawful to kill an adulterer, it is lawful likewise to
him. From the less; if it it lawful to kill a
pocket, why not to kill a highwayman? From
qual; the punishment inflicted upon paricide is
to matricide.
hese arguments are handled syllogistically. But
ollowing are more proper for definitions or qua-
. If strength* is not an advantage to bodies,
ss is health. If theft is a great wickedness, sa-
ge is a greater. If abstinence is a virtue, so is
inency. As providence governs the world, so
lom ought to govern a state. If an architect
t proceed by a plan, how regular ought a general
admiral to be?

Some have subdivided this manner, though I
unnecessarily, for every thing must be either gr
or less, or of equal power; and if we stick by
observation, all the farther subdivisions and r
ings down are unnecessary; for comparisons a
infinite as the properties that are compared, and
scarce can be a property that is not compar
For instance, whatever is pleasant, agreeable,
tuous, or useful.—But hold—I am growing loq
ous in blaming loquacity.

I shall only bring a few examples out of a
many: from the greater. Cicero says, in his p
ing for Cecinna, are we to be surprised that a ba
of lawyers were startled at that which terrified a w
army in the field? We have, in his pleading ag
Clodius and Currio, an example from the most
and could you, sir, think of succeeding when a
whose interest you allow to be superior to your
not succeed? From a more difficult, in his p
ing for Ligarius; observe, Tubero, I beg, that I
boldly own what was done by myself, dare
plead guilty to what was done by Ligarius. T
is in the same oration another example; shall I
rius have no reason to hope for himself, wh
have room to intercede with you for another? I
the less, in his pleading for Cecinna; do you h
a sufficient proof of violence, that the men
armed, and is it not a sufficient proof when we
they maltreated them?

That I may wind up the matter in a few w
arguments are derived from persons, causes, pl
time, means, manner, definition, kind, spe
difference, nearness, remoteness, division, b
ning, progress, and end; from likeness, un
ness, contradictions, consequences, efficient
fects, events, connections, and comparisons, w

d to operate in the same manner as realities.
cording to my meaning, a supposition is
at proposed, which, taking it for reality,
lecides the question, or renders it more easy;
en we are at liberty to show the conformity
n the supposed, and the real case.

young gentlemen, who are upon their stu-
ay the better comprehend my meaning, I
ing an instance from common life. The
s, whoever does not support his parents, ought
loaded with irons. A young man does
port them, and yet pleads to be exempted
e penalty; for which purpose he makes use
ositions, if he was in the army, if he was in
ncy, if he was abroad in the service of his
; supposing any of these cases to be true, he
exempted from the penalty. When a man
n his option to chuse what reward he pleases
vering his country, supposing he does it,
himself may seize the government, that he
under houses, and ransact temples, what
the case? Considerations of this kind have
eight in determining the sense of law against
r.

ro, in his pleading for Cluentius, gives us in-
of this kind: "If your steward alone drove

est ; so far from that, you borrowed money fro
The law says, that the son, who, when his fat
accused of treason, does not appear and act in h
fence, is to be disinherited. No, says the son
unless my father is acquitted. But how do
maintain that proposition ? Why, because an
law says, that a person who is condemned of tr
shall, together with his advocate, be sent
banishment.

I am farther to observe, that a pleader is to
as much care of the proposition he lays down,
its proof. This, if it does not discover the stro
discovers the preferable, powers of invention.
weapons are useless to a man who throws th
random, so are arguments to a pleader, unl
foresees how they are to be applied. And this
lity is not to be communicated by rules. Fo
reason, two advocates may be equally knowi
their art, and may make use of much the sam
guments, and yet the one may apply them to
better advantage, and with much greater v
than the other. Here I shall state a case of a
singular nature.

" Alexander the great having demolished Th
" found a bond by which the Thessalians o
" themselves to repay to the Thebans a thou
" talents they had borrowed. Alexander was
" from requiring payment of this bond, th
" gave it up to the Thessalians who served h
" his wars. After the government of Thebe
" re-established by Cassander, they claimed
" ment of the money from the Thessalians, ar
" matter comes to a hearing before the Amphi
" the chief counsel in Greece." Here it ap
beyond controversy that the money had been le
never recovered. The whole dispute therefore

* About a hundred and sixty-five thousand pounds.

upon the validity of the present Alexander made to the Thessalians. It likewise appears, that he did not give them the present in money; we are therefore to examine if his remitting them the bond is not the same thing as his making them a present of the money. Now to what purpose should I beat about for arguments, without first considering how I can prove, that Alexander's gift was no legal deed, that it was an act he could not execute, and that he did not execute it.

To say the truth, the claim of the plaintiffs appears at first in a very strong and favourable light, because the bond was taken from them by force: but have a care,—we are about to touch upon a harsh and a jarring string, I mean the right of war, which the Thessalians will tell you, regulates the constitutions of states and empires; and fixes the bounds of territories. We are therefore to cast about to find in this cause some speciality that makes it different from other causes relating to the right of conquest; and here the difficulty will not lie in the proof you are to bring, but in the proposition you are to lay down.

In the first place, we are to allege, that the right of conquest is no consideration in a matter that is regularly brought into a court of justice; and that whatever is taken by force, can be maintained no otherwise than by force; but that force silences justice, and where justice resides, all violence is out of the question. Now, after we have laid this proposition down, we are to search for arguments to support it. For instance, we are to bring the case of prisoners of war, who are entitled to the privileges of their own country, as soon as they can return to it; because all property acquired by war, must be maintained by the same force that acquired it. There is likewise a speciality in this cause, that the bench of

Amphictyones* are to decide it; in the same m as our courts of a hundred commissioners decic on different principles, from what a private would do in the same cause.

In the second place, it may be insisted upor a conqueror has it not in his power to disp justice as he thinks proper; that he can poss more than what he can hold; and that justice, incorporeal, is not to be held in fetters. This gation is more difficult to be found out than supported by such as the following argun "That the tenure of an heritage is very dif from that of conquest; because the right re with the heir, though the property may pass victor. That in this cause there is a material deration; for the right to a loan made upon credit could not pass to the conqueror, becau people made the loan, whereby it became th of every individual amongst them; and that a single Theban remained free, he had a just to the whole debt. Now, Alexander had not individual Theban in his power." This prop is self-evident, and requires no proof from circumstances.

The third head a pleader is to go upon ir case is more common. "The bond, he ma did not give the Thebans a right; it was no than an evidence of right." And this prop may be defended by a great variety of argu The intention, likewise, of Alexander is very tionable; Whether it was to do them honour,

* This was the most reputable court in all Greece; composed of commissioners from the different states, wh Thermopylæ. Our author's meaning in this passage must so great a court as the Amphictyones in Greece, or the Cen at Rome, would not only decide with more courage, but wi equity, as the matter of equity was entirely on the side Thebans.

d

deceive them. Here he has again recourse to the speciality of the case; and he may make it a matter of fresh controversy, by maintaining, that, even supposing the Thebans to have lost their right, yet they recovered it the moment they recovered their independency. This opens a field of disquisition into the intentions of Cassander. But an orator, of all things, before such a court as that of the Amphictyones, is to avail himself of his eloquence in pleading for the spirit of equity against the quirks of a law.

Had I thought the knowledge of those topicks, that furnish out arguments, useless, I should not have recommended it; but I am against having young gentlemen, after making themselves acquainted with that particular, neglect other requisites of an orator, from a presumption of their being finished and complete masters of the art. Give me leave to say, that, unless they apply to the subsequent parts that I am to communicate, all they learn besides will avail them but little. For the discovery of the arts of speaking did not introduce the establishment of proofs and arguments; no, speaking was practised before it was taught, and, in process of time, writers collected and published their observations, and, from them, rules were formed. For the truth of this, I appeal to their making use of the examples brought from ancient orators. As to themselves, they invent none that are new, none that have not already been in writing. The merit of the composition is owing to the practice of eloquence; but those writers, who have facilitated the study of it, have their merits likewise. For the discoveries which former writers struck out by the force of genius, are all enjoyed, and are all known, by their successors: but what does this knowledge avail? No more than the learning in an academy to

to fence, wrestle, ride, and dance, avails the man who does not put his body in order by exercise, by sobriety, by a proper diet, and above all, by means of an excellent constitution. All which advantages too are in a great measure ineffectual, unless the person knows how to use them.

I am likewise to inform my pupil in eloquence, that every particular I have treated of is not to be found in every cause. Neither is he, when he has got a subject to speak upon, to pore into all the topics and common-places of arguments I have touched upon; he is not to beat about every bush, that he may examine what is for his purpose, and what is not. No; that is a practice only fit for young beginners, and those who have no experience in speaking. Eloquence would be a tedious, nay, an endless study, were we to handle and fumble about every argument, till experience informs us of its powers and purposes; nay, I am not sure whether such a multitude of precepts may not rather embarrass than assist a pleader, unless he is qualified by nature with a quickness of discernment, and with a sagaciousness in study, that carries him directly to the arguments that are best suited to the cause he pleads. For as a fine voice is greatly assisted by its being accompanied with an instrument, so if the hand which touches that instrument be aukward, if it is for ever thrumming and setting the instrument to its proper tone, instead of touching it in a masterly manner, the natural graces of the voice by itself are preferable. Thus, the rules we lay down are only useful by being fitted and adapted to eloquence, as the instrument is to the voice. But it is practice alone that, in this respect, can make us resemble those great masters, who can make their fingers touch every power of harmony, who can call out of an instrument every grave, every sharp,

sharp, every gentle sound it contains, without being puzzled in looking over the notes. A great pleader, in like manner, never is embarrassed by the great number and variety of the arguments that occur to him. No, he naturally falls into them; they throw themselves into his way; and they no more obstruct his passage, than the consideration of letters and syllables retard the pen of a ready writer.

CHAP. XI.

CONCERNING EXAMPLES.

The third kind of circumstances that are foreign to a cause, and yet enter into it, are called by the Greeks paradigmata; which they generally apply to all comparisons, especially in matters that rest upon historical authority. That which they call a parable, we call a simile; and that which they call a paradigma, we call an example. So they are often used as convertible terms. For my part I shall generally use the word example, to comprehend both. It is true, Cicero makes a distinction between a comparison and an example, for he divides all arguments into two parts, induction and reasoning. The manner in which Socrates excelled had this peculiar property, that, after obliging his antagonist to make a great many concessions of questions he put to him, he brought him at last to admit the very point he wanted to bring him to, or somewhat that is in all respects similar. This is what Cicero calls induction, but it is a manner that cannot be practised in an oration, for there we take as granted every thing that Socrates took by concession. Supposing we are to ask what is the most

most generous fruit: is it not that which has the most exalted qualities? No doubt it is. Which is the best horse? Has not he that has the best blood the greatest perfections? Other questions of the same kind may be put before you come to your main purpose. What do you say as to a man? Has not he who has the greatest perfections the best blood? Undoubtedly he has. In examining witnesses, this manner may do excellent service, but we are to alter it, when applied to a continued discourse. For there the orator is to answer it himself. Which is the most generous fruit? That, to be sure, which has the best qualities. Which is the best horse? He who has the most strength and swiftness, without regard to blood. Is man then the only being who is to value himself upon his blood and not upon his perfections?

Now every thing of this kind must either be similar or dissimilar, or contrary. With regard to similarity, it sometimes serves only for an ornament of speech, and I will treat of it in its proper place. I am now to speak of that which relates to probation. The most effectual of those are what we call examples; by which I mean, the mention of a matter either real or supposed, in that manner which is most conducive to persuade your hearer to agree to what you say. Here you are to consider whether the similarity holds in the whole, or only in a part; that you may make use either of the whole, or only so much of it as is for your purpose. An example of similarity is as follows. Saturninus was justly put to death, so were the Gracchi. An example of dissimilarity is, Brutus put to death his sons for conspiring against their country. Manlius put his son to death for exerting his courage. An example of contrariety is, Marcellus restored the ornaments of their city to the Syracusans, though they were his enemies

Verres has stript them of the same ornaments, though they were his allies. In the demonstrative kind they are made use of in the same manner, both to blame and to reproach. Nay, similar examples have a good effect in deliberative cases which regard future events. As for example, suppose an orator should observe, that Dionisius the tyrant demanded guards for his person, that he might employ them in enslaving his subjects. And strengthen it with another example, that Pisistrates domineered over his country in the same manner.

The similarity of some examples, as in the last I have given, holds in every respect. But sometimes they are applied from greater subjects to less, and from less to greater. For example, if whole cities have been demolished for violation of the marriage-bed, how ought the guilty party to be punished? When the musicians retired from the city, they were recalled by an order of the state; then how much stronger reason is there, that men who possess great authority, and have done noble services to their country, should be recalled from exile, when they are obliged to give way to envy! Unequal examples, however, are most prevalent in matters of exhortation. Valour is more admirable in a woman than in a man. Therefore if we are to inspire men with courage, the examples of Horatius and Torquatus are not near so effectual for that purpose, as is the example of the woman by whose hand Pyrrhus was killed. Nor are the examples of Cato or Scipio in their deaths, so prevalent as is that of Lucretia, though it is an example drawn from a less to a greater.

Now I cannot bring examples of all these kinds from any better authority than from Cicero. In his pleading for Murena he says, "For I myself happened to stand in competition with two Patricians,

one

one the most wicked and audacious, the other the most modest and virtuous of mankind; yet in dignity I was superior to Catiline, and in interest to Galba." In his pleading for Milo we have an example of a greater from a less; "They, my lords, deny that a man, who confesses he has killed another, should be suffered to see the sun. In what place do these fools think they are arguing? Surely not in that city, where the first decision in a capital case was upon the life of the brave Horatius! who, before the date of Roman liberty commenced, was acquitted by the assembled comitia of the Roman people, though he confessed that with his own hand he had killed his sister." An example of a less from a greater is in the same pleading. "I have slain, might Milo have said, I have slain not a Spurius Melius, who in a time of scarcity lowered the price of corn, though to the ruin of his own estate, and who was suspected of having an eye to royalty, because of his affecting too great popularity; not a Tiberius Gracchus, who seditiously annulled the authority of his colleague; yet their destroyers have filled the world with the glory of their exploits: but (for the man who saved his country at the hazard of his own life, had a right to use such language) I have slain a man, whose infamous adulteries, our noblest matrons detected even in the most awful recesses of immortal beings, whose punishment the senate often decreed ought to expiate the violation of sacred rights." The whole of Cicero's invective against Clodius is of the same kind.

As to examples from dissimulars, they may be treated in various manners. For many requisites enter into them; such as the kind, the manner, the place, and all the other circumstances by which Cicero overthrows all the presumptions that seemed to bear so hard against Cluentius. In the same ora-

promised to give evidence against him, but
not, because being censor, he must in that
have been both judge and party. But, to
prolixity, I shall not transcribe the words of
).
have, however, in Virgil, a short example of
ument from contrariety; says he,

u lye—you never from Achilles rose,
mourn'd my anguish and he felt my woes.

netimes we give a narrative at large. Thus
) in his oration for Milo; "When a military
ıe, says he, a relation of Caius Marius, attempt-
pollute the body of a soldier in that general's
; the ravisher was killed by the soldier, who
cquitted by that great man, since the virtuous
sought to avoid at the hazard of his life, what
ould not suffer without the violation of his
ır." An intimation is sometimes sufficient;
great Ahala Servilius, says he in the same
ng, Publius Nasica, Opimius, and the senate,
I was consul, cannot be deemed otherwise
criminal, if it is a crime to put to death the
oned of our own country." He makes use
t short manner, because the facts he touched

made of them, we have it from the same great father and master of eloquence, an instance of it in the same pleading. "Therefore, my lords, it is not without reason that some ingenious writers have, in fabulous histories, informed us, that when a difference in opinion arose with regard to the men who revenged the death of his father, by that of the murderess his mother, the parricide was acquitted by the oracle; an oracle too, my lords, pronounced by the goddess of wisdom herself."

The fables, likewise, that go under Æsop's name (though Hesiod appears to be the original inventor of them), entertain and amuse the mind, especially of country plain people, who sincerely attend to every thing that is marvellous, till the pleasure they have in it wins over their belief. Thus we are told that Menenius Agrippa reconciled the commonalty to the Senate of Rome, by telling them that well-known fable of the discord between the limbs and the belly. And Horace has even deigned in his epistles, to introduce an apologue or fable, To the sick lion once the wily fox. Of the same kind are proverbial expressions, which are a kind of fables in epitome.* I look like an ass under a pack-saddle; a plague upon my drivers.

Next to the example the simile makes an impression; especially that which is formed of circumstances that are almost equal, without any mixture of a foreign matter. "As they who at an election sell their votes (says Cicero in his pleading for Cluentius) are avowed enemies to the candidates that are close-fisted, in like manner those judges came predetermined against the defendant." As to what Cicero calls a comparison, the materials that compose it are farther fetched. "And if they who have already made the harbour after a voyage,

* See Cicero to Atticus, l. 5. ep. 15.

use

to be very earnest in cautioning those who are ing sail, with regard to tempests, pirates, and res, because we are, by a natural benevolence, lined to be concerned for those who are en- ng upon the dangers which we have just es- ed; how deeply affected must I, who have athered a violent tempest, have now almost made d, be for a man whom I foresee is to encounter : most violent commotions of the state?"

Instances of the same kind are likewise drawn m mute and inanimate beings. Similars, by em- ying them in this manner, appear differently; it dom, therefore, happens that we have, in plead- , occasion to draw a ludicrous picture from a ilar object, as when Cassius calls out, What fel- r is that comes hobbling along like a lame dray- se? But we often find it proper to employ simi- s, in order to explain or enforce what we intend. u are to prove that the mind ought to be cul- ated, you then compare it to the grounds, which, ien neglected, are over-run with thorns and weeds; t when cultured, produce the fruits of the earth due season. If you are to exhort one to dedicate s services to the public; you touch him with a nilitude from bees and ants, which are not only ute but diminutive animals, and yet they labour r the public good. Cicero cloaths a fifle senti- ent in the same manner. "As a body, says he, ithout a mind, so is a city without laws, for it can- ot properly employ its constituent parts, which are e nerves, the spirits, and the limbs of the body olitic." But he employs in his pleading for Corne- us a similitude from horses; and, in that for rchias, one from stones. Some are very obvious, s when we compare an army without a general, to a ip without a steersman.

But

But we may mistake the propriety of our comparisons, and therefore we are to employ them with caution. We are not to say that as a new ship is preferable to an old one, so new friendships are preferable to old ones. We are not to say that as it is a fine quality in a lady to be liberal of her fortune, so it is commendable in her to be liberal of her person. For though the similitude of age and liberality answers, yet the meaning becomes very absurd when the one is applied to friendship and the other to beauty. Therefore in this manner the propriety of the application is the chief consideration.

In the Socratic manner of questioning, which I have already mentioned, great circumspection ought to be used in answering. Thus Æschines, in his Socratic conversation, makes the wife of Xenophon too inconsiderate in her answers to Aspacia. "Tell me, O wife of Xenophon, says Aspacia to her, if your neighbour has richer jewels than you have, which would you have, her's or your own? Her's, replies the other. If her ornamental attire is finer than your's, which would you have, her's or your own? Her's no doubt; she answers again. Now, proceeds Aspacia, if her husband was better than your's, which would you have, her's or your own? Here the lady falls into confusion, and well she might, after being incautious enough to confess her own dishonesty in coveting her neighbour's property. But had her first answer been proper, that she had rather have her own jewels, such as they were, than her neighbour's, she might with decency have answered, that she would rather have her own husband, such as he was, than her neighbour's, though a better man.

Without entering into all the affected nicety, which some professors make use of in this subject, I am here

:cause if a man has the use of a slave for life, that slave should die, the heir is not obliged to another in his room." An example of contra- is as follows; "the not signing a contract cannot ent the legality of a marriage, when the par- are agreed to consummate it; for if it is not ummated, it cannot stand, even though the ract is signed." The same orator in his plead- or Cecinna, gives us an example of dissimila- "were a man, says he, to drive me from my e with force of arms, the law would give me a dy, and shall it give me none, if he shall forci- obstruct my entrance?"

me distinguish between analogy and simi- le; but I think analogy is a species of similitude. sure there is a similarity, when we say, "as is to ten, so is ten to a hundred." "A traitor enemy." But analogy admits of a farther pro- ion, as when we say, "If it is shameful for a ress to have a criminal conversation with her e, it is shameful likewise for a master to have ntrigue with his maid. If pleasure is the end nute creatures, are we not to account it that nan likewise?" A ready answer to those pro- tions occurs from dissimilarities. "An intrigue master with his maid is very unlike that of a

ments of nations, people, wise men, eminent citizens, and illustrious poets. Even matters that rest upon general belief, or popular opinion, have their weight. Nay, such circumstances have sometimes perhaps the greater weight, because they are not adapted to any particular purpose, but result from minds free and disinterested, who act and speak in such a manner, because they think it most agreeable to virtue and honour. Were I to bewail the calamities of life, I surely would avail myself of the practice of certain nations who mourned for those that were coming into the world, and rejoiced over those who were going out of it.

Were I to recommend mercy to a judge, would I not very properly mention that Athens, the wisest of all states, looked upon it, not as an affection of the mind, but as an object of adoration? How are we to consider the sayings of the celebrated seven wise men, but as so many rules of life? Were notorious adulteresses to be prosecuted for poisoning, how hard the opinion of Cato bears upon them, who declared that every adulteress was a poisoner likewise? As to quotations from poets, they frequently occur, not only in oratorial, but in philosophical writings. For though philosophers think their own precepts and learning superior to all others, yet have they not disdained to strengthen their authority by poetry. We have a celebrated example to this purpose, when the Megareans, in their contention with the Athenians about Salamis lost their cause by a verse of Homer importing that Ajax joined his fleet with the Athenians,*

* Athenians.] This was a very extraordinary story. We are told that when the Megereans wanted to recover Salamis, and the controversy was referred to the decision of the Lacedemonians Solon forged the verse in question, and palmed it upon the judges as one of Homer's, by which the Athenians carried the cause.

though

kind occurs in Cicero; as the old proverb
ke naturally draws to like. Now such sayings
never would have endured from time im-
l, had they not been universally received as

uthority of the gods, as signified by their
is here ranked, by some, under this divi-
y, they have given them the very first place.
ince, the oracle which declares Socrates the
f mankind. Instances of this, however, sel-
cur: yet Cicero makes use of them in
on concerning the answers of the Aruspices,
his invectives against Catiline, when he
points to the statue of Jupiter, which
on a pedestal hard by. Likewise, in his
for Ligarius, he acknowledges Cæsar's to
ore justifiable cause, because it was stamped
approbation of the gods. These proofs, when
peculiar to the cause, are termed divine mani-
s, but otherwise they are termed arguments.
imes it happens that we serve our client,
ing at some saying or action of a judge,
tagonist, or an agent for the opposite party.
r this reason, have ranked examples of all
nd such authorities as I here mention,

tion; but whatever is not so, is of no manner of se vice, but by the ingenious application of the plead to the point he goes upon.

CHAP. XII.

CONCERNING THE USE OF ARGUMENTS.

That arguments generally ought to be self-evident, but that th sometimes require to be proved—that we may enforce ve strong arguments singly, but weak ones accumulatively—Tha bare stating an argument is not sufficient, without being streng ened—Concerning proofs drawn from the passions—Where t strongest arguments ought to come in—A caution against e minate eloquence.

I AM very sensible, that what I have said concer ing proof and evidence may be found in other wr ings, or from experience itself. I am not va enough to think myself the only author who has d livered them. So far from that, I beg that my read would enquire farther, because I am sure he can in prove upon what I have said. Meanwhile, the ne discoveries he shall make will be found to dif very little from what I have laid down. At preser I am to employ some pains concerning the applic tion and use of arguments.

It is a general opinion, that every argument oug to be so self-evident as to admit of no dispute; b cause, say they, how can one uncertainty be prov by another? Notwithstanding this opinion, v may advance in proof of a fact certain reasons th require to be proved themselves. For example. th husband has been murdered by thee, for thou ha been guilty of adultery. Now, in this case, t adultery must be first proved upon the woman, a when the proof of that is once established it becom a certainty to support a doubtful charge. Yo swo

sword was found in the body of the diseased, says the accuser. Not my sword, replies the prisoner. Now, this circumstance must first be proved before you can establish the proof of the charge. One thing is here necessary to be observed, which is, that no proofs are stronger than those that arise from allegations that were before doubtful. You have been guilty of the murder, for your robe was bloody. Now this is an argument which makes a much stronger impression when it is proved, than even when it is confessed. For a party may confess the circumstance, but then a robe may be bloodied by many other accidents than that of murder. But when he denies it, he thereby hinges the whole stress of his defence upon that very fact, and should it be proved upon him, all his other resources can avail him but little, and he must be condemned. For the presumption lies against him, that he never would have denied the fact, had he not given himself over as lost, had he confessed it.

We ought to hinge separately on every argument that is very strong; but we are to collect the weaker ones into a body, because the strength of the former ought to appear to the full, without being darkened by any adjoining object, while the latter, naturally infirm, are supported by one another. Therefore, if they do not prevail by their strength, they may prevail through their numbers, if all of them are intended to establish the proof of the same fact. Supposing a man was to impeach another for killing a relation, that he might enjoy his estate. "You was in hopes to have succeeded to the inheritance, and a great inheritance it was; your circumstances were mean in the world, and at that time, above all others, you was dunned by your creditors; add to this, you had disobliged the person who had made you his heir, and you knew he was about to alter his will." All these

circumstances considered as detached from o other, are light and unaffecting, but when th ceed in a body, though they do not thunder party, yet they pelt him smartly. Certain arg there are, that besides being stated must be s ed. A pleader alleges, that avarice was the of a crime, then he is to shew the force of t sion. He alleges that anger was the motiv he is to show what pernicious effects th sion has upon mankind; thereby the arg themselves will come before the court, not o greater strength, but with greater beauty; then will be cloathed so as to hide every nud every imperfection. It is likewise of great ance, when a pleader hinges upon hatred motive of a bad action, that he examine tho whether it sprung from envy or resentment, c tion; whether it was an old grudge, or a late whether it lay against an inferior, an equal, or rior; against an indifferent person or a relatio all these circumstances are to be differently so as that we may apply them to the service client in the most advantageous manner. we not to load a judge with all the argum are capable of inventing, for we thereby will t out his patience and raise his mistrust. For must suspect the validity of an argument w think we can never enough press home. Fo a matter is clear it is as absurd to be lavish o guments as it would be to endeavour to e the sun with a common taper.

Here some rank the pathetic manner of which depends upon moving the passions. Aristotle thinks the most powerful to be the sic virtue of a man himself; and then follo great distance, our making a client appear t excellent person. Hence proceeded that

ence of Scaurus: "Quintus Varius, my lords, said he, charges Æmilius Scaurus with treason against the people of Rome, and Æmilius Scaurus denies his charge." Somewhat resembling this was the defence made by Iphicrates, who questioned Aristophon, who had accused him of the like crime, whether he would have betrayed his country for money. The other answering in the negative; So, then, replied Iphicrates, the crime that you would not have committed, I have committed. But we are carefully to examine both into the disposition of the judge, and what will most readily win his assent, of which matter we have already treated on different occasions.

There is a positive way of speaking, which does great service in arguing. "I did so. You told me so yourself, horrible action!" and so forth. This manner ought to enter into every pleading, otherwise it must suffer. Meanwhile, we are to lay no great stress upon it, because it is equally open to both sides. I have greater confidence to place in proofs which are drawn entirely from the person of a party, and contains some probable averrment. For instance, it is highly presumable, that a man who has been wounded, or whose son has been murdered, would prosecute no other than the guilty person, because, by prosecuting the innocent, he gives the guilty an opportunity to escape. The same kind of presumptions serve fathers in their pleadings against their sons, and kindsmen against kinsmen.

It has been considered by some, whether the strongest arguments should not be placed in the very front of a discourse, so as to seize at once the assent of the hearer; or in the rear, that they may make the stronger impression: or whether we should not observe Homer's method in drawing up his army when he places the strongest in the front and rear, and the weakest in the middle; or whether our reasoning

soning ought to rise gradually from our weak
guments to the strongest. In my opinion
question can only be determined by the nat
the cause. But still, in all causes, and by all n
we should keep our pleading from sinking from
is strong to what is trifling; from what is ma
to what is mean.

Thus I have, in treating this subject, endeav
as concisely as possible, to point out the t
and the common places from which argu
are drawn, without falling into the idle man
some, who have attempted to shew the part
and precise manner in which every thing m
spoke to from common places. It is sufficie
the reader, from what I have recommended,
how to speak upon envy, avarice, maliciou
dence, powerful friends, and the like. But to
of exhausting the subject, is as ridiculous
would be for me to attempt to write a di
all the law-suits that are now depending, o
shall depend, with an account of all the p
arguments, and opinions, arising in them.
true, I will not pretend to have pointed out
source of argumentation, but I will be bold t
there are few I have not pointed out. To
applied myself the more industriously, because
declamations with which we use to exercise ours
as fencers do with foils, before we can co
real action at the bar, have long been void of
quality that resembles true pleading.

All their purpose is to delight, for they
no force; and their practice, by heavens, rese
that of slave-merchants, who cut from boys th
rility, that they may improve their beauty.
fellows think that strength and muscles, and
especially a beard, and the other marks
nature has imprinted upon manhood, spoi
de

delicacy of shape and face; and considering vigor as rusticity, they soften it down against the intention of providence. In like manner, we throw the tender complexion of delicacy over all our speeches, and thereby hide all the manly grace and affecting energy of eloquence. All we search, all we seek, is to be trim and sparkling; as to force and efficacy, they are with us no considerations.

But when I consider the beauties of real nature, I think that every man, be he ever so little of a man, is more beautiful than the handsomest eunuch, who has not a string of virility about him; for I cannot imagine that providence ever disliked its own works so much, as to rank weakness amongst the excellencies of mankind. Should nature make an eunuch, he would be a monster; and shall I think him a beauty because he is made so by the amputating knife? Let such infamous traders avail themselves as much as they can, in debasing and belying nature; but may we never see a bad taste so predominant as to bring us to think, that whatever is costly thereby becomes valuable. However degenerated lolling audiences may approve of this effeminate titillating eloquence, yet I am not afraid of saying that I never can consider that to be eloquence, which is void of the smallest symptom either of health or manhood, or of wisdom or virtue. Let us consider the practice of the greatest statuaries and * painters, who in moulding

* Painters.] This is a very fine observation of our author, and holds just with every artist of taste to this day. At the same time, delicacy and strength are united in the finest compositions of antiquity, whether in poems, orations, paintings, or statues. The Æneid of Virgil, if wrote in prose, would be the justest composition in the world, both as to disposition and sentiment; and were it void of both, nay, of all meaning, yet it must be still the most harmonious that ever was produced. Cicero's

moulding their finest figures, never take the models by which they are to execute their pieces from

cero's pleading for Milo, if its merit were to be estimated from the force of the reasons it contains, must be the most convincing piece of reasoning ever pronounced; and, if from the expressions and periods, the most pleasing. The Apollo of the Belvidere is the firmest, and yet the finest figure that ever was beheld, and the Venus de Medices has the greatest strength, as well as the greatest delicacy, in its composition. In short, I am not sure whether this union I am talking of is not the true criterion of the fine arts, and whether the dispute between the antients and the moderns, is not to be determined according to the degrees of success which each has had in it. With regard to common life, it is plain, the manners, the habits, and the discipline of the antients were better calculated than those of the moderns are, to reconcile gracefulness to strength, both in behaviour and person; and the ideas of beauty, especially female beauty, were much juster amongst the antients than amongst the moderns, except in one or two painters of the Roman school. With regard to eloquence, I know no modern composition that has united the two qualities I have mentioned. Some of the French preachers and pleaders have eloquence, but being destitute of nerves it is no more than declamation. The English have great strength in speaking, but have neglected eloquence (see note * p. 111.) at least the study of it, for the strokes of it we find scattered about in their sermons and pleadings, result either from chance or genius. Mr. Rollin in his way of teaching the belles lettres vol. 2. has been at great pains to produce from the French writings, examples of the several figures and manners that are practised in eloquence, and seems to put the writings of his countrymen on the same footing with those of the Greeks and Romans. But though I have an opinion of his ability as a professor, he shows in this respect too much of the Frenchman. Eloquence is not to be considered in detached pieces, but from the full force and result of the whole discourse or composition. Flechier, Bossuet, and several other French writers have undoubtedly great detached beauties, but like the perfections of rope-dancers, they have no noble purpose; all they do is to amuse. The true orator unites eloquence with reasoning, and they are so blended together, that it is impossible to discern which affects us most. Even those pieces of Cicero, which come nearest to declamation, had their purposes, and great and noble purposes they were. His oration of thanks for Marcellus is wholly turned in persuading Cæsar to make a glorious use of his successes, by restoring the constitution of his country, and his

from eunuchs, such as a Bagaos* or a Megabysus, but from the person of some vigorous Doripho-

his pleading for Ligarius is as full of the argumentative as of the pathetic kind. His magnificent recommendations of Pompey, and his other friends, are all immediately connected with his subject. And thus his eloquence reflects lustre upon his reasoning, and his reasoning supplies matter to his eloquence.

But eloquence, as generally employed in the French pulpits and their academies, has no manner of purpose, but that which is here so justly inveighed against by our author, and therefore deserves no better term than that of declamation. The funeral orations, which are the finest specimens of French eloquence, have no manner of purpose but parade; and though the beauties of eloquence may be displayed in such compositions, yet her powers cannot; because little or nothing of the persuasive kind enters into them.

Notwithstanding what I have said, I cannot help being of opinion, that English preachers have too much neglected the study even of the declamatory part of eloquence. My reason is because few who attend a christian sermon, require to be convinced by dint of argument of the truths of christianity; therefore all that a preacher has to do, is to make such an impression upon their passions, as may influence their practice. This is what a christian preacher may do consistently with the dignity of his profession, but it is next to impossible he can do it without a commanding and an affecting eloquence.

Father Bourdelaou is a noble instance of the kind I am now describing; his sermons are greatly adapted to the passions, and wonderful were their effects upon the minds of his hearers; while at the same time, the closeness of a Tillotson, the reasoning of a Barrow, and the smoothness of an Atterbury, though all united together, would have left them unaffected, perhaps unimproved. But what do I speak of a Bourdelaou who had true eloquence? Do we not see the effects of its very appearance, or even the effects towards it, in the success of the meanest and the most illiterate enthusiasts? What an engine then must it be in the hands of a man of sense, taste, and discernment, who, with every advantage that an enthusiast can have, has learning, truth, and virtue on his side.

* Bagaos, Megabysus, Doriphorus.] The two former were celebrated eunuchs, and their names became common appellations of that species. The latter was a life-guard-man, from whose person the greats tatuary Polycletus formed the model of a very fine figure, which afterwards was copied by Lycippus.

rus,

rus, of some one who is fitted for the exercises of the academy and the field; and from the bodies of youths practised in war and wrestling; for in such alone they think that true beauty is to be found. And shall we, who propose to form an orator, arm him, not with the thunder, but the thrillings of eloquence?

No, let the pupil I train up do all he can to copy after the great originals of truth and nature; and when, in order to fit himself for real encounters at the bar, he aspires at conquest in the school, let him, even there, be always endeavouring either to aim or to parry a mortal blow; and while he is guarding his own, let every thrust be at the vitals of his adversary. Let professors inculcate this practice, let them make it the standard, by which they estimate or reward the proficiency of their pupils. Young gentlemen may, from applause, be led into a wrong manner, but then applause will lead them into a right manner too. The misery of our modern practice is, that the most necessary parts of eloquence are not so much as mentioned; and his talking to the purpose is not considered as an accomplishment of an orator. Though I fully handled this subject in another* work, yet I shall often touch upon it in this. But I am to return to the order I proposed.

* Another work.] Meaning his treatise concerning the causes of corrupted eloquence.

CHAP.

CHAP. XIII.

CONCERNING REFUTATION.

Defending more difficult than Prosecuting.—The best Method of Defending.—Of accumulated and separate Defences.—A flat Denial, in what Case proper.—The great Ends of a Defence.—Its common Places, or Topics.—Of representing an Adversary's expressions.—Of explaining the Matter, either totally or in part. Of Arguments common, inconsistent, and faulty.—Cautions against over Keenness and Anxiety.—That a Pleader be well acquainted where the stress of his Cause lies.

REFUTATION is of two kinds; one that runs through the whole of a defendant's pleading; the other, which consists in answering objections; which is common to both parties. This properly holds the fourth place in a pleading; but both are handled in the same manner. For here the principles of arguing are the same with those of the probatory part; the topics, the sentiments, expressions, and figures, are the same; with this difference, that refutation has very little share in touching the passions.

It is, however, certain (and we have Cicero's repeated evidence for it), that it is more difficult to defend than to prosecute. In the first place, the business of a prosecutor is plain and simple; he has but one way of laying his charge; and it may require a thousand ways to refute it. It is generally sufficient that the charge which a prosecutor urges be true; while, upon the defendant lies all the business of denying, defending, setting aside, excusing, deprecating, softening, diminishing, warding off, dispising and deriding. The part, therefore, he has to act, is generally indirect and clamorous, and besides strength of lungs, it requires a thousand veerings and shiftings. Add to this, that the prosecutor brings

brings every thing ready studied into court, while the defendant must often answer off hand. The prosecutor produces his witnesses, while the defendant must refute them upon the spot. The prosecutor, however unjust his charge may be, yet is furnished with matter for speaking from its odiousness, whether it consist of parracide, sacrilege, or treason, or the like crimes; while all that a defendant frequently has to offer in answer, is a bare negative. Very indifferent pleaders, therefore, have succeeded as prosecutors, but no man, unless he was an excellent orator, was ever known to succeed in defending. Nay, in short, I will venture to say, and I say it sincerely, the difference between accusing and defending is the same, as between inflicting a wound and curing it.

Now, it is very material for a defendant to know what the charge of his adversary is, and in what terms it is conceived. In the first place, he is to consider whether the matter he is to answer belongs to the question in debate, or whether it is not foreign to it. For if it belongs to it, it must be either denied or justified, or set aside, which three are the only methods of defence, that a cause generally admits of. As to moving compassion, when we come to that, we abandon all defence, which we seldom do, but before judges, whose decisions are not tied down to the forms of law. Yet Cicero, in his pleadings before Cæsar and the triumvirs, in favour of men of different political parties, though he makes use of entreaties, yet is far from abandoning their defence in point of justice. For did he not insist upon a strong point of defence when he said, "What, my friend, did we do, but wish to be masters of Cæsar, as he now is of us?"

If we are, therefore, to plead before a sovereign prince, or one who has no rule, but his own pleasure, to

llow in his determination, we may represent our client is indeed worthy to suffer death, but the more guilty he is, there will be the more in forgiving him. But here we are first to ider that we are not opposing an antagonist, pleading before a judge: and next, that our ner of speaking should partake more of the de- ative than the judiciary kind. Thus we are present how much more glorious a character it exert humanity than to gratify revenge. But regard to judges whose sentence must be di- d by the letter of the law, confession is con- nation, and therefore it would be ridiculous for o lay down any rules on that head. Upon the e, therefore, in such cases, when a thing can er be denied nor set aside, we have no choice but either to defend them at all hazards or to v up our cause.

nave already shewn the two methods by which legation may be denied, I mean, either by main- ng that nothing happened, or that the thing did appen as alleged. Those points which we can er defend nor set aside, we are flatly to deny. not mean only a denial by defining them so as er their complexion in our favour, but in cases e nothing but a flat denial is left us. Sup- ng witnesses are against you; a great deal may id against the credit of witnesses. Supposing own hand-writing is brought against you; we known very artful forgeries of hand-writing. hort, nothing is more fatal than confession. n neither defending nor denying can avail you, your last and only resource is to set the whole ss aside, by alleging an error in the proceed-

may however be said, there are some causes can neither be denied not defended, nor be set aside.

aside. For example, the woman that is brought to bed a year after the death of her husband, is accused of adultery. In this case there can be no litigation. Therefore it is foolish to enjoin, that we ought to be silent as to every thing that can be defended, because that very silence is sufficient grounds for the judge to decree against us. But if any thing foreign shall be offered, though with the allegation of its being immediately connected with the cause, I should chuse in that case to say, that it had no relation to the question, that it is idle to spend time about it, and that it is not of the importance my antagonist pretends. In such a case an appearance of neglect is very pardonable; and a good advocate needs to be afraid of no reflexions of that kind, while he acts for the benefit of his client.

The next consideration I am to touch upon, is whether in making a defence we are to attempt to repel the charges accumulatively, or singly. In such a case we are to repel them accumulatively, if they are so weak as to be borne down all at once; or if they are so galling, that we dare not encounter them singly. For then we are to use our utmost efforts, and as it were, to shut our eyes, and fight away. Sometimes our adversary's proofs may be too stubborn to be refuted, and then we ought to compare our arguments with his, provided we can do it in such a manner, as that the advantage may seem to lie on our side.

As to arguments that are powerful only by their number, we are to take them to pieces singly, one by one. In the instance, you was his heir, you was poor, you was dunned for a large sum by your creditors, you had disobliged him, and you knew he was about to alter his will. All these presumptions coming in a body have weight. But if you encounter them one by one, the flame, that from accumulated

ardon him. Whether he is proud and passion-
like him who accused Oppius upon a simple
:r of Cotta.

)me allegations may be proved to be rash, in-
ons, and frivolous. But the strongest kind you
hinge upon is that, which, if admitted, may affect
iole body of men. Says Cicero in his pleading
Tullius: "Was it ever laid down as a maxim, or
d it ever be granted without endangering the
le community, that one man is to kill another
ely because he is apprehensive that that man
kill him?" A matter may affect even the
ges themselves in its consequences; as Cicero, in
pleading for Oppius, takes a great deal of pains to
'e how the bench may be affected by admitting
rosecution for corruption against the equestrian
:r.

An orator, however, sometimes may very happily
:t to despise certain allegations, as being either
)lous, or foreign to the cause. This is very
mon with Cicero. Nay, this affectation some-
es has its effect by our seeming to trample on,
kick about an argument, which in reality we
not answer.

However, as most part of this practice is drawn
n the topics of similarity, we are to search with
it exactness (if we are to answer them), to find
some dissimilarity. This in matters of law is
ly done; for laws being composed upon par-
lar occasions, the application of them to dif-
nt things cannot in all respects hold. As to
ilarities drawn from brute-animals or inanimated
:cts, it is easy to set them aside; and various are
manners by which we can defend ourselves,
n a similarity or a precedent bears too hard upon
If it is drawn from antiquity, we are to treat it
ibulous. If it is too well established to admit of

a doubt, we are to show that it has no resemblance * to our case; and indeed it is almost impossible that any precedent should answer in every respect. Supposing for instance, that after Scipio Nasica killed Gracchus, he had been defended upon the precedent of Ahala, who killed Spurius Melius. A pleader might have shown, that Melius aspired to sovereignty, but all that Gracchus did was to prefer some popular laws. That Ahala was a great magistrate, and Nasica a private person. Had all those arguments failed him, then he must have endeavoured to prove that the action of Ahala was unjustifiable. What I have said with regard to precedents of facts, will hold with regard to precedents of law and equity.

I observed that it is material to attend to the manner in which a prosecutor expresses himself. My meaning is, if his expressions are weak and ineffectual, we are to make use of his own words. If they are keen and strong, we are to soften them in our own representation of the same matter. Thus Cicero when he pleads for Cornelius, who was accused of forcing the writing out of the hands of the proper officer, he touched the writing, says he. In defending a young rake, he is charged, says he, with being a little too gay in his way of living. In like manner, we may soften avarice into economy, and railing into freedom of speech. One thing we ought carefully to avoid; never to represent our opponent's state of the question with his manner of proving it, nor to take it up upon the same topics except to turn it into ridicule. Says Cicero in his oration for Muræna, in the person of an opponent, "Have you served me so many years in the army, without coming near the forum? Have you now, though

* The original here is confused and doubtful.

at

a distance of time, come to dispute a precedency with those who have dwelt in m ?" Sometimes a whole charge is ex- the contradictions it contains. Thus Cicero, for Scaurus against Bostaris, put himself in on of his antagonist. Sometimes we gain by joining several propositions together, as 's pleading for Varenus; "After he had d through countries and desolate places, pulenus, they said, they then fell in with es of Ancharis; that Populenus was then nd that Varenus was kept there in chains, gentleman's pleasure should be known." nethod is by all means to be observed, where a series of improbable allegations, that l credibility, even in relating them. Some- may remove separately allegations that hurt nulatively, and indeed that method is gene- most safe. We have likewise many in- f contradictions in a single proposition. non-places may be very properly employed tion, not only because both parties may mselves of them, but because they are com- nost serviceable to the defendant. I must , that a prosecutor is in the wrong, if he y thing from a common-place, because it then turned against himself by his adversary. nprobable, my lords," says Cicero, in one of lings, "that Marcus Cotta ever thought of llainy? And is it not equally improbable ius ever attempted it?"

but a great master knows how to find out in ent's pleading either real or seeming in- cies. Sometimes they appear upon the very cause. Thus, in the prosecution com- against Cælius, Cicero in his defence of esents the inconsistency of the prosecution;

"Clodia, says he, alleges she lent Cælius money; this, no doubt, was a proof of great friendship; she says, that Cælius attempted to poison her, but that, doubtless, is a sign of the most inveterate hatred." "Tubero accuses Ligarius with being in Africa, when at the same time he complains that he was not suffered to attend him thither."

Sometimes a defendant gets great advantages from the prosecutor's inadvertency in his pleading. This happens chiefly to those who are so fond of sparkling sentiments, that they allure them from considering their propriety or impropriety, because they mind only the immediate passage, and not what ought to be the general tenor of their pleading. What could be more prejudicial to Cluentius, than his being branded by censorial authority? What could bear harder upon him than Egnatius disinheriting his son for being concerned with Cluentius in currupting the judges that condemned Oppiniacus. But Cicero shows how these charges destroy one another. "But you, Accius, will I hope seriously examine which judgment ought to have most weight, that of the censor, or that of Egnatius. If you give the preference to that of Egnatius, the censorial judgment of the others must go for little or nothing, for they expelled from the senate this very Egnatius, whom you represent to be so virtuous a person. But if you give the preference to the censorial judgment, I am to observe, that when the father disinherited his son for currupting the judges, the censors kept the son in the senate, while they expelled the father."

It requires no great degree of penetration to guard against the following faults. Never to lay the whole stress of your pleading upon a point that may fail you: never to admit or advance a disputable point as being an acknowledged one; nor a general propo-

sition

sition, as if it was peculiar to your cause; or to urge a proposition that is too vulgar, idle, that stands in a wrong place, or is incredible. Incautious prosecutors are apt to fall into these mistakes; they aggravate a charge before they prove it; they dispute concerning the commission of a fact, when they ought to be inquiring after its author: they attempt impossibilities, and they leave a matter as proved, though they have but just begun to touch upon it; they attack a man's person, without minding the cause, and endeavour to bring whole constitutions into disrepute, on account of the misconduct of some particular members; in the same manner as if one was to rail against the decemvirate, instead of Appius. They dispute irrefragable proofs; they speak in a manner that admits of a different meaning; they lose sight of the main question, nor do they follow, in order, the propositions that are laid down. This last practice, however, is defensible in one case, and that is, when a cause is so very bad that it can be supported only by foreign aids. For example, if a Verres is accused of oppression, his advocate is to display his courage and care in defending Sicily against the pirates.

The same rules will serve us against the objections which we are to encounter; and I am the more ready to make this observation, because a great many pleaders are, in this respect, under two mistakes. For some, even at the bar, omit it as a matter that is troublesome and painful; and generally contenting themselves with the arguments they have studied at home, they talk away as if they had no opponent. This absurdity is still more prevalent in schools, where they not only omit to mention all contradictions, but the very subjects they chuse are of such a nature, as to leave no room for taking notice of any thing urged by the other side. Others, over-scrupulously,

pulously, think that they are obliged to answer the least sentence, the least hint that is thrown out by the opponent; a practice that is both endless and needless; for there we attack the pleader, and not his cause. For my part, I shall never grudge my opponent the praise of being a well-spoken man, if the good things he says are attributed to the quickness of his parts, and not to the merits of his cause: and if all the slips he makes are attributed to the badness of his cause, and not to the blunders of his understanding.

When Cicero therefore reproaches a Rullus for the obscurity of his birth, a Piso for the stupidity of his discourse, an Antony for his childish ignorance and brutal behaviour, he is fired with personal resentment, which serves to draw down hatred upon those against whom he is inveighing. But an advocate at the bar must proceed in another manner. Sometimes, however, he very properly may reproach an antagonist for his discourse, his morals, nay, for his looks, his air, and his dress. Thus Cicero carries those reproaches against Quintius so far, that he takes notice of the folds of his robe floating about his heels. Meanwhile we are to observe, that Cicero had a personal pique at Quintius, for the turbulent assemblies he had raised against Cluentius. Sometimes an invective may loose all its force by being turned into ridicule. Thus, when Triarius objected to Scaurus that his marble columns were carried in waggons through the city; "Triarius is in the right," says Cicero, "for I bring my columns from the Alban quarries upon pack-saddles."

This method is best practised by the defendant's advocate, whose concern for his client gives him sometimes a right to make use of stinging speeches. There is, however, a general and well-grounded complaint against a lawyer, if through malice he suppresses,

, shortens, darkens, or misplaces any mate-
:umstance. There is often, likewise, reason
plain when a defence is made that has no re-
o the charge. Accius, in prosecuting Clu-
and Æschines in prosecuting Ctesiphon, com-
this practice; the former against Cicero, for
ng his client under the letter of the law alone;
ıer against Demosthenes, for not speaking a
vord of the law.

, however, to admonish gentlemen, especially
deal in declamation, never to make use of
jections as are easily answered, and not to
: that their antagonist is a mere fool. Now
mmon practice is to chuse a subject that
frequent applications from common places,
arkling sentiments, which we can mould
n as we please; which puts me in mind of a

: answer's nonsense—That we all admit;
, nonsense only could th' objection fit.

stom raises very often great inconveniencies
'e come to the bar, where our business is to
our antagonist, and not ourselves. It is said
ıen Accius the poet was asked why he did
ıe and plead at the bar, since he had such
ful energy and persuasion in his composition,
wer was, " That in his tragedies he made
acters speak what he pleased, but at the bar,
ıracters he had to do with, would speak the
'erse of what he pleased." It is therefore a
us practice in our exercises that are previous
)leadings at the bar, to be thinking of a reply
:ak objection, before we examine into the
of what may be said against us. And a
ofessor of rhetoric will give as much praise
)il who is sharp-sighted in finding out what
his

his adversary may say, as he will to one who is accurate in finding out what he can say himself. It is true, in schools, we are always to make some allowances of this kind, but seldom at the bar. For in a real action how can the prosecutor, who is to speak first, know how to answer the defendant, who has, as yet, not spoken at all?

Most gentlemen, however, fall into this absurdity, either through a declamatory habit or through a rage of speaking, and thereby furnish their antagonist with very pretty occasions to rally them, and to turn them into ridicule. Sometimes by telling them that what they said amounted to nothing at all, that their meaning was quite different to what it had been represented. Sometimes they will thank their antagonist for putting them in mind, and own themselves obliged to him for assisting them. But their keenest jokes are cut upon their opponent's not answering a syllable of the strongest part of their pleading, which he never would have omitted doing had not his conscience told him it was true and unanswerable; and that, therefore, by his silence he confessed it. An example of this we have in Cicero's pleading for Cluentius; "You have told us again and again that you are apprised of my design of sheltering my client under the expressions of the law. Ha! is it so then? Have our friends been weak and wicked enough to betray us? How hard it is that our antagonist should get into all our secrets by means of those whom we take to be our friends! But give me leave to ask you who gave you this information? Who was such a scoundrel to do it? To whom did I impart this design of mine? No, now I think of it, nobody is to blame, for you received your information from the law itself." Some pleaders, not contented with contradicting, will even exhaust a whole topic. They will tell you that they know

r their antagonist will insist so and so, and that
will bring such and such proofs. Vibius Crispus,
rson of great wit and humour, handsomely ridi-
d a pleader, in my time, who fell into this prac-

For my part, says he, these are points I do not
k to, for what purpose serves it, to say the same
g over and over again?

Ve may previously venture to contradict an op-
ent, if he values himself too much upon what he
nces upon written evidence; for then we
ver his averments, and not our own suppositions.
if the cause is of such a nature, as that we can
pon certain grounds, because they are the only
s that possibly can be laid down. For instance,
n goods are found in a man's house, and he is
upon prosecuted. In such a case, the only defence
an possibly make, is to say, they were brought
her without his knowledge, or that they were de-
ted in his hands, or that he got them in a present.
low a prosecutor may answer all these allegations
n before they are made. With regard to the
tice in schools, it is very right we should obviate
tradictions, even before they are made, because
thereby accustom ourselves to act in both capa-
es, that of prosecutor and that of defendant. Un-
it is when we pursue this practice, we never
ht to answer objections before they are stated,
ause, if we do, we answer that which never was
dged.

Pleaders are apt to fall into another absurdity, that
an over-eagerness, even to a degree of embarass-
themselves, while they are straining and puzzled
h every trivial circumstance; for a conduct like
s raises suspicions in the mind of a judge; and
y often a thing that, had it been hit off at once
a pleader, might have been decisive in his favour,
es all credit by his stopping and stammering; be-
se a judge will think that he considered his cause

to

to require such pains. An orator, therefore, ought always to speak with assurance, and in such a manner as may discover the highest confidence in the merits of his cause. This, amongst others, is a great excellency in Cicero. He talks with such confidence, as if he were sure of carrying his point, and with so commanding an air that it supplies the place of proof; for we dare not even venture to question what he says.

A pleader, who is sensible of the strong points both of his own and his adversary's cause, will readily judge what particulars he is to answer, and what to urge. In this case, the order he is to observe is extremely easy; for if we are the prosecutors, we are first to establish our own proofs, and then we are to reply to what has been urged against them. If we are the defendants, we are to set out with refuting the other party. But, in solving one difficulty, or replying to one contradiction, other difficulties and other contradictions may arise, and sometimes others upon the back of them. Thus, in the shows of gladiators, when the dispute is obstinate between the scholars of two fencing schools, the combatants are multiplied to decide it.

I have already mentioned a method of proof, that consists entirely in a single affirmation, or denial, upon the principle of the consciousness that is within our own breasts; such as that of Scaurus against Varius. I am not even sure whether this manner is not most proper for the refutation. Both parties ought carefully to examine where the stress of the cause lies; for it often happens that a great many allegations and particulars enter into a cause, though the material points, by which it is to be determined, are but few.

Upon those material points the whole practice of proving and refuting ought to turn; but all must be strengthened and embellished by the art and address

s of the orator. For, however strong, however sible, our arguments may be, yet still their com- ion must be sickly, if they are not urged home he commanding energy of the speaker. This, strikes the deep impression upon the minds of judges, when he comes to speak from common es, upon witnesses, writings, proofs, and the

And likewise when he speaks more particu- in praising or blaming an action, in setting the justice or injustice of a transaction, in gerating or diminishing; when he speaks with mence or with mildness.

me of these places are applicable to single argu- ts, others to accumulated proofs, and others are d to the whole tenor of the pleading. Some of are adapted for preparing the minds of the es, others for confirming them. Now, prepara- and confirmation both sometimes run through whole of a cause, sometimes they are fitted for particular part of it, and sometimes they are dif- d, according as conveniency may direct.

has been a question agitated with great eager- , between the two leaders of the two sects of oricians, I mean Theodorus and Apollodorus, ther these common-places, or topics, should with odorus, run through every particular question; hether, with Apollodorus, we ought to inform judgment, before we attempt to move the pas- s. I am, therefore, surprised that no middle way been pointed out, which is to be observed accord- s the nature of the cause requires; but no such has ever been mentioned. The teachers of ems are not the men who have the greatest ex- ence of practice at the bar; and we know that order of battle may be drawn up in a warm and an easy chair, which may be thrown into usion by the smallest accident during the figh

In like manner, all the authors who have laid down rules for speaking, and have enjoined them as so many sacred mysteries, have tied down their pupils to certain topics, not only for the invention of arguments, but for their management and conclusion. Having thus, as succinctly as possible, mentioned this absurdity, I am now to speak my own sentiments, that is, I am to lay before my reader an opinion that shall be drawn from the practice of the most eminent writers.

CHAP. XIV.

Concerning the Enthymema, and Epichirema, and the Way of managing them.——The Refutation and Embellishment of Arguments.

An enthymema is not only the argument itself, that is, the thing which is applied for the proof of another thing, but it implies, likewise, the expression of an argument. Now, it is of two kinds: the one consisting of consequences, and containing a proposition with which a proof is immediately connected. An example of this we have in Cicero's pleading for Ligarius. "The cause was then doubtful, because on each side there was something that was justifiable; but now the preference is on that side which the gods have favoured. But, after such proofs of your clemency, where is the man who can repine at a victory, by which none fell but in arms?" Here we have a proposition and a proof, but without a conclusion; it is therefore a kind of an imperfect syllogism.

But that kind of proof which arises from contradictory circumstances, and which some admit to be the

he only enthymema, is much stronger. An example of this we have in Cicero's oration for Milo. "You, therefore, preside as the avengers of the death of a man, whom, were it in your power, you would refuse to restore to life." Sometimes the parts, of which an enthymema consists, may be multiplied; an example of which we have in the same pleading. "Shall Milo, then, be supposed to incur the resentment of some, yet deaf to the applause of all? Was he afraid to venture, when he might have ventured securely; when the laws, the place, and the time, were on his side; and yet boldly strike, when the rashness of the deed, unfavourable circumstances, and an untoward juncture, endangered his life?"

The best kind of enthymema, however, in my opinion, is that where a reason is brought to support a dissimular or contradictory proposition. Says Demosthenes, in one of his orations, "It is absurd to imagine, that, because former transgressions of the laws have been committed, and you imitated them, therefore you should escape unpunished; no, that is the very strongest reason why you ought to be punished. For, had those who first violated those laws been condemned, you never would have ventured upon passing this decree, and your condemnation will deter others from treading in your steps."

Some are for making the epichirema consist of four, some of five, and some of six, parts. Cicero tickles for five, the proposition, its reason, its assumption, its proof, and conclusion. But as the proposition, or the major, sometimes does not require a reason; nor the assumption, or the minor, a proof; and as the consequence is not always necessary to be laid down, he thinks that the epichirema may consist sometimes of four, sometimes of three, and sometimes of two parts.

In

In my opinion, I agree with the generality of authors, in thinking that the epichirema consists of three parts at most. The nature of things requires, that a proposition should first be laid down, that it should be followed by a proof, and that proof by the consequence resulting from both.

An example of an epichirema consisting of five parts, is found in Cicero, as follows; those affairs that are managed by wisdom are better governed than those that are void of it. This some call the first part or the proposition, and they are of opinion that it ought to be supported with various reasons, and the most significant expressions. For my own part, I think that all that makes but one and the same proposition; otherwise, if the reason forms a part of itself as there are various reasons, so there must be various propositions. We now come to the assumption, or the minor. Now, nothing is better governed than the system of the world. But this minor must be supported by a proof, which forms the fourth part of the epichirema; and I set that part aside for the same reason as before, The consequence forms the fifth part, and consists of the result of all the other parts, the world therefore is governed by wisdom. Thus, when the proposition and assumption are immediately connected, the result of the whole is expressed in this manner: "Those affairs that are managed by wisdom are better governed than those that are void of it; now nothing is better governed than the system of the world; the world therefore is governed by wisdom."

The three constituent parts of the epichirema, however, that I have laid down, vary in their forms, for sometimes the proposition and conclusion are the same. "The mind is immortal, for whatever is self-motive is immortal; now the mind is self-motive, therefore the mind is immortal." This

manner

manner prevails not only in single arguments, but through the whole of causes and debates that turn upon one proposition. For in all such matters, a leading proposition is laid down, which is the subject matter of contest. Says one party, " you have been guilty of sacrilege, for you have killed a man." Says the other, " If I have killed a man, it does not therefore follow that I am guilty of sacrilege." Then follows the reasoning, which is more diffused in causes and trials than in single arguments. Next comes the conclusion, or the result of the whole, either by summing it up singly, or by drawing from it a general consequence.

There is another kind of consequence, which does not contain the very words, but the meaning, of the proposition. The thoughts of death ought not to concern us, for no consciousness can attend a dissolution of our frame; and where there is no consciousness, there can be no concern. There is another kind, in which the proposition is not the same with the conclusion. " Every thing animated is more excellent than that which is inanimated; now nothing is more excellent than the world; the world is therefore animated." Here the dispute seems to turn upon the matter proposed, which may be laid down in the following terms: " The world is animated, because what is animated is preferable to what is inanimated." Now the proposition is either self-evident, as in the last example but one, or it requires proof; for instance, " Whoever wishes to live happily ought to commence philosopher." This point is not self-evident, and, till that is settled, the consequences cannot fairly be drawn. Sometimes the assumption or the minor is self-evident; for example, " All men wish to live happily." Sometimes it requires to be proved; " No consciousness can attend the dissolution of our frame." Here it may be disputed whether the

the soul is not immortal, or whether it does not exist for a certain time after the body is dissolved.

The epichirema differs from the syllogism only by the latter admitting of more modes, and establishing one truth by another; whereas the epichirema generally deals in probabilities, or concludes with what is seemingly true. For if it always happened that we could prove a controverted matter, by a self-evident one, a pleader would have little occasion to make use of this figure. For what art does it require to say, "Those effects belong to me for I am the only son, or the only heir of the deceased;" or, "the deceased having by his last will given me a right of these goods, they therefore belong to me?"

But when the reason comes to be disputed, we are then to render that certain, which before was uncertain. For example, if we dispute the proposition or the major, You are not the deceased's son—you are not his lawful son—you are not his sole heir—he never appointed you his heir—the testament is invalid—you are under an incapacity of succeeding—there are joint heirs appointed with you. In this case we must make good our proposition, before the effects can be adjudged to belong to us.

The conclusion or the result of the whole necessarily follows, after the proposition and the reason have been established at large. Sometimes it is sufficient to lay down the proposition and the reason alone. For example, "In short, my lords," says Cicero, in his pleading for Milo, "Statutes are silenced by arms; nor do they presume that a man is to wait for justice from the formal decision of a court, while the sword of violence is ready to put an end to his life." Some therefore have said that the enthymema, which is drawn from consequences, is of the same nature with the reason that supports the proposition.

Sometimes

Sometimes a simple proposition may stand very properly by itself. Statutes are silenced by arms. Sometimes we may begin with the reason of the proposition, and so proceed to the conclusion. "If," says Cicero, in the same oration, "the twelve tables have made it lawful, absolutely and unconditionally, to kill a thief in the night, and by day, in case he shall defend himself with a weapon, who can be so unreasonable as to think that no circumstance or manner attending the killing of any man, ought to excuse the person who kills from punishment?" Cicero varies even this manner, for he gives the reason in the third place, by adding, "since it is plain, that the laws themselves sometimes put into our hands the sword, which is to shed the blood of man."

He has likewise thrown the epichirema into its natural order; "To a traitor then and a robber, what death can be deemed unjust?" This is the proposition, the reason follows; "What avail those very guards?" Then comes the conclusion; "And to what purpose are they suffered to wear swords, if they are suffered upon no account to use them?" This I say contains the result of the whole.

This kind of reasoning may be refuted in as many manners as it contains parts, which are three. For we may dispute either the proposition, the assumption or the conclusion: sometimes the whole. The proposition in the pleading for Milo, to be attacked, is the following: I had a right to kill the man who way-laid me. For all the questionable part of Milo's defence is, Whether a man should be suffered to live, after confessing that he had killed another?

The assumption, or minor, may be combatted in the manner that I have already laid down concerning refutation. With regard to the reason, a true reason may be sometimes tacked to a false proposition.

Sometimes

Sometimes the proposition may be true, and the reason false. Virtue makes us happy, is a true proposition; because it makes us rich, is a false reason. Now a conclusion may be disputed, for not arising from what is premised; or it may be disputed, by pretending that it is no part of the matter in hand. An example of the former is, "We have a right to kill the man who way-lays us: the man who attacks us, as an enemy, ought to be repelled as an enemy. Milo therefore had a right to kill Clodius, as his enemy." Here, I say, the conclusion is false, because we have not yet proved that Clodius was the way-layer. But if we keep the proposition in general terms, the conclusion is right. "That we have a right to kill the man, as an enemy, who way-lays us." But this is saying nothing to the purpose, before you make it out that Clodius way-laid Milo. Upon the whole, a true consequence may arise, though the proposition and reasoning be false; but if the proposition and reason be true, the consequence* never can be false.

Some have defined the enthymema to be a syllogism; and others part of an oratorial syllogism; because there can be no syllogism without a proposition and conclusion, and unless the whole of it is directed to establish the proposition; whereas the enthymema supposes, but does not express, the proposition. The following is an example of a syllogism; "Virtue is the only good, for that only can be good which nobody can abuse. Nobody can abuse virtue; virtue therefore is the only good." An enthymema would mention only the consequence; "Virtue is a good, which nobody can abuse." By a contrary way of reasoning I would say, "Money is not a good, for that cannot be a good which every one may abuse; now every one may abuse money,

* The original here is very perplexed.

therefore

refore money cannot be a good." The enthymema resses the same thing by inconsistencies; "Can ney which every one may abuse be a good." We speak syllogistically in the following manner; the money which is coined is silver, the person o leaves by his will all his silver to another, leaves the money that is coined; now this person did e him all his silver; and therefore he left him all silver that was coined." An orator would say same thing in the following manner; "by leav- him all his silver, he left him the silver that was ned."

Having thus, I hope, unlocked the sacred mysteries his art, I am now to offer a word by way of advice, cerning the prudent management of them. As I no reason why in pleadings we may not make of syllogisms, neither do I think it proper they uld be flourished perpetually with epichiremas enthymemas. This would make an oration too ch resemble formal, logical, disputations, which are from being adapted to the purpose of an orator, h as I want to form. Men of learning, who asso- e with one another that they may come at truth, gh every thing with the utmost precision and ex- ess, and bring every matter to as much certain- s it will admit of. They, therefore, assume to nselves the profession of inventing and judging, what they call the argumentative and critical parts nowledge. Our compositions must be adapted ther kinds of capacities. Sometimes we must k to those who are ignorant of all erudition, at least, ignorant of every thing but what es to this study. Unless we allure such by beauties, and force them along by the energy loquence, nay, sometimes touch every passion heir souls: let us have truth, right, and justice n our side, yet all will go for nothing.

Eloquence requires to be ornamented as well as to be rich; but she can be neither, if minced into certain conclusions that have a regularity of the return and a sameness of composition. She can then attract nothing but contempt for her meanness; aversion for her scurrility; loathing for her exuberance; and disgust at her stiffness. Let her career, therefore, lie through the open fields; let it not be confined to the beaten path. Let her not pour like water through a pipe, no, let her roll on like a fair spread river; let her deluge whole valeys; and when she cannot find her way, let her force it. What is more wretched than to see orators following a certain rule, and like school-boys, as it were, tracing a copy marked out with a pencil. Or, as the Greeks say, "ever wrapping themselves in the robes that were given them by their mother, without venturing upon a change of attire." May not a proposition and a conclusion, arising sometimes from consequences and sometimes from contrarieties; may they not, I say, be so formed, as to animate and elevate the hearer; so as to please by a thousand different turns and figures, so as to appear to be formed by nature, not laboured by learning; to be the product of the soil, and not the manufacture of art? What true orator ever spoke the language of logicians? Even Demosthenes, close and concise as he is, is extremely sparing of that manner. We excel the Greeks in every mischief that can be done to eloquence except in their catching up their enthymemas, and epichiremas, then stringing them upon a logical thread and tying them together so as never to be unravelled; while, all along, they are advancing what none can deny, and proving what all must acknowledge; then telling you with a grave face. that then in they imitate the antients. But ask them what those antients were, and they are at a stand. I am however

however, to treat of the figures of speech in another place.

I will add farther, that I disapprove of those who, in arguing, require only a style that is perspicuous and plain, without being copious or ornamented. It is true, perspicuity and plainness ought to be the first considerations, and all matters of little consequence ought to be treated in expressions that are plain, familiar, and suited to the subject. But when we talk upon an elevated subject, I think no ornament, that does not darken it, should be omitted; for metaphors often give a propriety to expression, and throw great light upon a subject.*

I am likewise to recommend to an orator, that the more barren a subject is to which he speaks, the more he ought to endeavour to ornament it by the charms of expression; and the more rotten his reasoning is, the greater ought the beauties to be in which it is dressed; always remembering, that the man who is quite pleased is more than half persuaded. Perhaps, indeed, we may think that Cicero went too far, when, in the argumentative part of his pleading for Milo, he says, "that the laws were silenced where arms prevail;" and tells us at the same time, "that the laws† themselves sometimes put into our hands the sword, which is to shed the blood of man." A mean, however, must be observed in all

* Subject.] Our author, in the original, gives us an arch example of this after Cicero, who tells us, that the lawyers defined litus to be qua fluctus eludit. But as the original has various readings, and as the definition is insipid, even in the Latin, I have not translated it.

† Laws.] Our author certainly here meant to expose the false criticisms that prevailed in his time, for there is no manner of impropriety in what Cicero here says; nay, the most exact propriety is observed; for he represents the law, though silent, yet as stretching forth the sword of offence and defence, upon certain occasions.

such

such liberties: and they ought to be so managed, as to embellish, not to embarrass a pleading.*

* Pleading.] The conclusion of this as well as the former chapter is extremely beautiful; and yet some readers may think it an absurdity in our author to lay down so many rules and figures, which in fact he confesses to be in a great measures useless. We are, however, to consider, that his professed purpose is, to leave nothing unsaid, that can tend to form an orator; but, at the same time to caution him against the injudicious use of many expedients, that become hurtful when abused.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK VI.

INTRODUCTION.*

IN WHICH HE EXPRESSES THE AGONIES OF HIS MIND FOR THE LOSS OF HIS CHILDREN AND WIFE.

ADDRESSED TO MARCELLUS VICTOR.

YOUR commands, my friend, chiefly concurring with my inclination to serve well disposed youth, prevailed

* Introduction.] The Abbé Gedoyn, the French translator of our author, is so much of a Frenchman as to think this introduction, which he calls a peroration, an example of the precepts he is about to inculcate; and it is, says he, in this light chiefly that it can give us pleasure. And M. Rollin, though he does not, indeed, find fault with the composition, yet, upon several occasions, he falls foul of our author, as talking, in this introduction, like a mere heathen.

A fine taste is certainly indispensable, either in a scholar or a gentleman; but I cannot help thinking that the abuse of the expression is of infinite prejudice to works of genius. The French academy, in laying down rules for acquiring what they call a fine taste, never dreamed there could be any perfection beyond the works of Homer, Virgil, and other eminent writers of antiquity. From this prejudice they adapted all their rules, they circumscribed all their notions, and confined all their practice to the writings

prevailed on me to undertake this work; which, of late, the duties of my function have obliged me most assiduously to attend. At the same time, I own I had an eye towards gratifying my own pleasure, in leaving to my son, my son, whose promising genius claimed all the cares of a tender parent, this work, as the most valuable legacy I could bequeath. So that, if the fates had been so just and so kind, as to shorten my days, he still might have had his father for his guide and his instructor.

writings of the ancients; without considering there were boundless realms of genius yet unexplored, and, perhaps, without hearing of a Shakespear or a Milton. Hence it is, that whatever is uncommonly beautiful, sublime, or descriptive, is stigmatised by those gentlemen of taste, as being forced, unnatural, and whimsical.

The composition before us is so exquisitely fine, that it is no wonder it drew from the abbé, who was one of the pillars of the French academy, the reproach of being mere declamation, if it was not intended as an example of our author's rules. But, si vis me flere, dolendum est tibi. It is impossible for ought but real anguish to wring from a father and a husband the expressive distress that appears through the whole of this introduction. Every tender touch, every animated sentiment must have faded and disappeared, under any enditing but that of real misery. The reader, perhaps, may have some pleasure in comparing the sentiments of Quinctilian and Cicero upon the like occasion; I mean, when the latter lost his daughter, whom he bewails in his epistles to Atticus and his other friends. I cannot, however, help thinking, there is more of the true pathetic in our author. A melancholy carelessness is visible through the whole of this introduction, and it affects even the spirit of the reader. His expressions, though proper, are striking; and, though uncommon, natural. And, had not the whole been dictated by the deepest grief, nothing could have made a more ridiculous figure.

As to M. Rollin's charge of impiety against our author, I am very ready to admit it, and that he really was no better than a heathen; but I believe, that even Christian writers, nay, the scriptures themselves furnish us with some escapes of the same nature with those charged upon our author, and which are beautiful and affecting, when we consider them as extorted by the force of misery.

But,

But, while day and night I was applying to finish ; while I was earnestly forwarding it, for fear of eing overtaken by death, fortune at once laid me o low, that all the result of my labours profits none ss than myself. Yes! a repeated blow of fate put ut the light of my life, by taking from me my arling son, the pride of my flattering hopes, the rop of my bending age. Whither now shall I turn e, since the gods have cursed me so, that I am ecome a burthen to the earth? With such ano- ber blow was I struck when I began to write the reatise I published upon the causes of corrupted loquence.

Happy had I been had I then flung upon the uneral pile, which immaturely was to consume the earest part of me, that inauspicious work, and all ny little stock of unhappy learning; for then I had ot cherished this unnatural* survivency; I then ad not reserved myself to taste of deeper anguish. What affectionate father could ever pardon my in- ensibility, should I be capable to pursue my stu- ies? What parent will not detest me, should I now ind any other employment for my tongue, than

* Unnatural.] One of our author's commentators takes notice, ith some wit, that the original of this introduction is so depraved, hat it seems as if Quinctilian's tears had effaced what he wrote. he original here is, impiam vivacitatem, which Rollin thinks may e taken for vivacity of genius; but, I think, it is more natural o understand it in the obvious sense of the word, as I have trans- ated it.

The word impia, however, though overlooked, seems not to be nderstood either by commentators or translators. It seldom sig- ifies what in English we call impious; and it has a peculiar beauty ere, arising from the pietas, or duties performed by parents for their hildren whom they survived. This survivency was considered, y them, as against the course of nature, (see my translation of ato Major, p. 276, note q), and it was accordingly so expressed the inscriptions upon the tombs erected by parents for their ildren, many of which are still extant.

to

to accuse the gods for suffering me to live, after depriving me of all that was near and dear to my soul? Can I think that providence watches over mortals? Witness, my misery, it does not. And yet, in what am I to blame, but that I yet live? Witness, far more, the untimely fate of those innocents, snatched out of the world by the cruel hand of death. Their mother I had lost before she had completed the nineteenth year of her life, after making me the father of two sons. Happy she was, even in the bitterness of death, that she did not live to see them laid in the grave! So wretched was I rendered by this single stroke, that it was out of the power of fortune to restore my happiness. Blest, as she was, in the exercise of every virtue that adorns woman, how inconsolable must her husband be! Nay, when I compare her tender age with mine, I think I am mourning a child,* as well as a wife. But still the dear pledges she left behind her gave me comfort; as did the reflection, that, unkind† and unnatural as it was in her to leave me alive, she had her wish, in escaping, by untimely death, every pang that can distress nature. While plunged in affliction for her, the loss of my younger son, who was but in the fifth year of his age, took from me half of all that could make me wish for life.

I love to brood over my woes; I hate an ostentatious misery; I chuse not to exaggerate my misfortunes: would to heaven I could soften them!

* Mourning a child.] Orig. Potest & ipsa numerari inter vulnera orbitatis. It is surprising that a writer, who understood our author so well as the Abbé Gedoyn must be allowed to have done, should have let slip the sense of this passage. The word orbitas occurs before in this introduction, and is plainly applied to the loss of his children.

† The original here is extremely perplexed, and may be understood in different senses. I have chosen that which I thought most natural.

but

an I with patience reflect upon his look, how
t! his language, how endearing! his wit, how
ling! his disposition how gentle! and his un-
anding (who can believe it) how, even sub-
l had he not been my own son, yet how ten-
must I have loved him! Nay, fortune seemed
ile me into excess of anguish, by his being
fond of me than all the world besides; fonder
of his nurse, who suckled him; fonder than
s grandmother, who brought him up; and
r than he was of all who succeed best in giving
nce to that tender time of life. Well, then,
I congratulate myself upon the pains I felt a
nonths before, for the loss of his excellent, his
less, mother; because my lot was not so de-
ble as her's was happy, by her not living to
of such misery.

e pride of my wish, the joy of my life, my
; Quinctilian, still remained alive, to make
ds for all the afflictions I had suffered. He was
ike my other boy, only in the blossom of his
no, his amiable qualities, like well-set fruit,
towards maturity, for he was now in his tenth

By all my woes, by the torture of my soul,
ose dear shades which my grief now idolizes,
ar, that I have discovered in him such acquire-
of learning, such fondness for study, such
lency of genius (I appeal to his teachers), as
course of my long experience, I never knew
ed. But what am I saying? He possessed
virtue of candor, affection, tenderness, and
osity, to such a degree, that the severity of
roke, by which heaven destroyed my happi-
seems to establish the truth of that general
ation, that early maturity is most liable to
death; and that a certain malignity is attached
tenure of our beings, and, jealous of sublu-

nary

nary bliss, blasts our fondest hopes; lest mortals should exceed the bounds prescribed to mortal happiness.

Even every accidental advantage centered in my boy: his voice was strong and distinct, his aspect lovely; and he spoke the two languages of Greece and Rome with as much propriety as if he had been a native of the one as well as of the other.

All these were only promising appearances, but he possessed real virtues. He had resolution, sedateness, and a courage that was proof against pain and fear. With what spirit, even to the astonishment of his physicians, did he bear up against the pains of his disease; how he even endeavoured to comfort me amidst his dying agonies! and how, during all his fits and ravings, there still was a meaning in his words, that discovered the love of learning to be uppermost in his mind!

My blasted hopes! do I live to say, I saw thy eyes swimming in death, and the throws of thy departing life? That I embraced thy cold, thy lifeless, corse, and felt thy dying grasp? Can I live to say this, without deserving all the tortures I feel, without deserving all the agonies I suffer? Hadst thou left me, my son, a childless father, reserved only to wretchedness? Thou, who wert so lately, by a consular adoption, entitled to succeed to all thy father's honours? Thou, whom a prætor, thy uncle, had already marked out for his son-in-law? Thou, who promisedst to restore eloquence to all her native beauties? Well, amply art thou revenged by the miseries of a life, which, far from desiring, I must only endure. If living be my crime, it shall likewise be my punishment. It is my own choice; for it is idle in men to impute all their miseries to fortune. It is a man's own fault, if he lives long in torments. I am alive, it is true; and in living I

have a purpose that justifies me. For it is not in vain that wise men have observed, that learning alone brings relief to misery. Should the waves of my present affliction subside; should my sorrows admit of other ideas, than those that possess me now; I then shall crave pardon from the public, for so long delaying this work. For, surely, no one will be surprised that a work should be delayed, when it is surprising that it was not laid aside. But, if the following books should, in their careless composure, bear the marks of the affliction I suffer, let it not be imputed to my negligence, but to my sorrows; which, though they have not extinguished, have damped the vigour of my genius, which never was extraordinary. But let me now make head against them with the greater resolution, because it is as easy to despise them for the future, as it is difficult to support them for the present. Fortune has done her worst against me; and, amidst all my calamities, I find this a firm, though an unhappy, security.

Meanwhile I am in hopes the public will take my labours in good part, because they have been continued for no private or particular purpose of my own. All the pains I have taken have been for the sake of strangers. All my writings, if they contain aught that is instructive, must now instruct strangers; and (wretch that I am!) the fruits of my brain, as well as the acquisitions of my fortune, must go to those who are aliens to my blood.

CHAP.

CHAP. I.

CONCERNING THE PERORATION, OR WINDING-UP OF A PLEADING.

NEXT follows the peroration which crowns, or, as some will have it, concludes, the whole. It operates in two manners; upon things, and upon affections.

The first manner contains a repetition and accumulation of the several circumstances that relate to the pleading, and refreshes the memory of the judge, by placing the whole of the cause full in his view; while, at the same time, those circumstances that, singly, were weak, become strong when urged in a body. This is to be performed in as concise a manner as possible; and, as the Greek word* for it implies, we are to proceed through the several heads of the pleading. If it is tedious, it then becomes, not a recapitulation, but, as it were, a new pleading. As to the recapitulation itself, it ought to be performed in a weighty, affecting manner, marked with proper sentiments, and diversified with figures; for nothing is more hateful than a plain, downright repetition, as if the speaker had a distrust of the memory of the judges. Now, there are a thousand ways to keep a recapitulation from flagging in this manner. Cicero gives several excellent examples of this, particularly in his pleading against Verres, when he says, "were your own father to be your judge, how would he act, were he to hear the following charges against you fully proved?" And then he begins his recapitulation. In another place likewise, he proceeds in

* Ανακεφαλαιωσις.

his

his recapitulation, by invoking all the gods whose temples had been plundered by that prætor.

A pleader sometimes is to fall into a recollection, or a kind of a doubt, whether he has not omitted somewhat, and in what manner he is to answer his adversary upon such and such heads; he is likewise to figure to himself in what manner the prosecutor will behave, when he finds his charge so thoroughly confuted. Sometimes the happiest manner, however, arises from the pleading of an adversary himself; as to that part of the charge, he prudently omitted it:" or, "He chose to undergo all the hatred:" or, "He had recourse to entreaties, when arguments failed him," and the like. But I have no design to attempt to point out the several different manners, lest the reader should think they are the only ones that can be employed upon this occasion. So far from that, they occur in a thousand shapes from the nature of causes, from the pleading of opponents, and from accidental circumstances.

It is not sufficient that we urge home our own opinion; we may call upon our adversary, we may defy him to give us an answer. But we are to take care to do this only, where the nature of a pleading admits of it; that is, when we are sure we cannot be refuted in what we have advanced. For should I challenge an adversary upon a point he can make good against me, then I act the part not of an opponent but a prompter.

Recapitulation is, in fact, the only kind of peroration that most of the Athenians, and almost all the philosophers who have wrote upon the art of rhetoric made use of. The reason why the Athenians admitted of no other was, because an officer was appointed in their courts of justice, whose duty was to caution every orator against attempting to move the passions. It is no wonder if the philosophers were

An orator, likewise, is more at liberty in the peroration, than in any other part of his pleading, to rouse the passions of envy, hatred, resentment, or anger, within the breast of the judges. Does a defendant seem secure they envy him for his power: arrogant, they hate him for his brutality: presumptuous, they detest him for his insolence: not only his actions and his sayings, but even his looks, his dress, and his behaviour, have their effects in a court of justice. It was a smart reprimand which the impeacher of Cossutianus Capito gave, when I was a young man. He spoke in Greek, but it was to this purpose; 'You are ashamed to show respect for Cæsar. Meanwhile, the great business of an accuser, in urging his charge, is to do it in such a manner as that it may appear as atrocious, or if the cause so requires, as compassionate as possible.

The atrociousness of a fact arises from the following considerations. What is the fact, by whom, against whom, with what intention, at what time, at what place, and in what manner was it committed? All which are considerations that require a thousand arts and turns in a pleader. Suppose we complain of an assault. The first thing we do is to explain the matter of fact; we are then to enquire whether the party was an old man, or a boy, a man in public authority, a man of probity, or a man who had deserved excellently well of his country. We are then to consider, whether the assault was not committed by some mean, pitiful fellow; or, on the contrary, by some overgrown great man, swelled with the insolence of power; or by one who was under obligations to the prosecutor. We are likewise to consider, whether the assault was not committed upon some solemn festival; whether it was not aggravated by the courts of justice being then trying

a fact

a fact of the very same nature; or in a time of public danger. An aggravation likewise lies, if it was done in a theatre, or in a temple, or in an assembly of the people; or if it was done neither by mistake, nor from a sudden start of passion, but from resentment founded upon wicked motives, because perhaps the injured party had appeared in defence of his father, or been bound for his friend, or had been engaged against the candidate in a competition for public honours; or if the defendant discovered such dispositions as to show that he would willingly have done more mischief, had it been in his power. The atrocity of an assault is likewise greatly heightened by the bitter, affrontive manner in which it is inflicted. Thus Demosthenes, in his pleading against Midias for giving him a blow, enforces his charge from the circumstances of the revengeful look, and the insolent manner of the defendant. Under this head likewise may be ranked pleadings upon murder, whether committed by a sword, by fire, by poison, by one or more wounds; whether the death of the party was quick, and whether he did not languish his life out in torments.

It frequently happens in a prosecutor's way to endeavour to raise compassion; for instance, by bewailing the misfortunes of the party, whose fate he is avenging; or the destitute condition of a helpless parent, or orphan children, who are left behind. The representation of future events make likewise deep impressions upon the minds of the judges; when a pleader, for instance, points out the dreadful consequences that must attend the impunity of a charge of murder or oppression; how their country must be abandoned, how all property must be confounded, and how every man must be obliged to submit to what the hand of violence shall please to inflict.

But it is generally the business of a prosecutor to guard against the impressions of pity, which the defendant will attempt to give to the judge, and to encourage him to decide with boldness. Under this head comes the practice of seizing, by way of prevention, upon every motive and every argument which you think your adversary will employ against you. For this manner puts the judges more upon their guard to do their duty, and takes from the defendant the recommendation of novelty, because having been already advanced by the prosecutor, they seem stale. Thus, Servius Sulpitius, in his pleading against Aufidia, previously answers all objections that could be made with regard to the danger of the parties who had signed the instrument. In like manner Æschines premonishes the judges, as to the nature of the defence which he knew Demosthenes would make. Judges likewise are sometimes to be instructed what answer they ought to give to those who petition them; and that forms a kind of recapitulation.

As to the party tried at the bar, his advocate may take occasion to recommend him for the great offices he has borne, for his generous pursuits, the wounds he received in his country's service, his great quality, and the merits of his ancestors. This was practised even to emulation by Cicero and Asinius; the former in pleading for the elder, and the latter in his pleading for the younger, Scaurus. A man has likewise title to favour, if the motive for the prosecution against him be some virtuous action he has done, especially if it proceeds from the goodness of his heart, his humanity, or compassion; for he has then a kind of a right to require from the judge the same sentiments which he showed towards others. Under the same head we may rank all appeals made to a court on account of public utility,

utility, the glory of the example, and regard for posterity.

Compassion, however, is the great engine to be employed for a defendant, for it somtimes not only forces its way into the breast of a judge, but obliges him by tears to confess the sentiments of his soul. The motives of it chiefly are the sufferings which the defendant has undergone, or is now undergoing, or must undergo if he is condemned; and all these are aggravated by mentioning from what a happy fortune, into what an abyss of misery he is fallen. All this receives great weight by the consideration of the party's age, sex, and pledges of affection, by which I mean his children, parents, and kinsmen; and these are handled after various manners. Sometimes the advocate himself assumes this character. Says Cicero in his pleading for Milo; "Wretch, unhappy wretch that I am! could you, Milo, by these recall me to my country? And by these shall I be unable to retain you in your's." This has the greater effect, if, as happened in the case of Milo, the defendant is of too high quality to become a suppliant. Every man must feel indignation, to see a Milo begging for his life, after acknowledging that he had killed a man of the highest distinction, because he thought it his duty so to do. His advocate therefore made even his excellencies a motive for the favour of the court, and took upon himself the part of suppliant.

Upon those occasions particularly the prosopopœia is of great service, by which I mean, speeches supposed to proceed from another, but uttered by the principal party, or his advocate. Inanimate things have an effect, either when an advocate addresses himself to them, or when he makes them speak. The affections are likewise moved by the characters we assume; for the judge does not then consider us

as bewailing the miseries of another: no; it is the very sense, the real complainings of the wretches themselves that pierce his ears. And as they would have the greater impression, did they actually proceed from the principals in misery, so they receive a great accession of strength from the pleaders assuming their character, by speaking as it were by their lips. Thus in theatrical exhibitions, an actor * makes a greater impression, when his voice and pronunciation is suited to the mask he wears. Therefore Cicero, though he is so far from making Milo a suppliant, that he extols him for his spirit and intrepidity, yet he puts into his mouth expressions and sentiments, which, though plaintive, are consistent with the character of a brave man: "What abortive toils, he cries, have I undergone! What deceitful hopes have I harboured! What vain speculations have I entertained!"

We ought not however to dwell too long upon this plaintive strain. For it has been said with great truth, that nothing is more apt to dry up sooner than our tears. Now if time can asswage even real sorrows, it necessarily follows, that the impressions

* Actor.] Abbé Gedoyn seems to have mistaken the meaning of this passage, which in the original is, Ut scenicis actoribus eadem vox, eadem pronunciatio, plus ad movendos affectus sub persona valet. His translation is, C'est ainsi qu'au théâtre l'action est plus intéressante sous le masque qui représente les personnes que l'on met sur la scéne. This makes our author contradict his great master Cicero, who thought that masks spoiled, because they covered the expression of the countenance. See de Oratore, l. 3. c. 59. For my own part, however the admirers of antiquity may be fond of the custom of acting in masks, I cannot help thinking it to have been a mighty childish foolish custom. The truth is, it seems to have begun in Rome, in Cicero's time. For in that very fine chapter of his which I have quoted, he tells us there were old men then alive, who never could be brought to applaud the action, even of a Roscius, when it was under a mask.

made

by the mere force of eloquence must quickly
ı; and if the speaker insists too long upon dis-
ıl circumstances, the hearer beginning to be
of weeping, resumes his tranquillity, and no
sensible of the violence that has been done to
ssions, he returns to reason. Let us not there-
uffer this manner to cool, but when we have
l up the passions to the full, let us leave them
r effect; always remembering that no man can,
y considerable length of time, mourn for the
es of another. Upon the whole, as I recom-
on all occasions, so upon this especially, the
ought to rise, because if a speaker does not
re upon what he said before, he seems to
it, and when a passion begins to subside, it
ases.

an orator can draw tears from his hearers,
y from what he speaks, but from what he
nd by what he shows. Hence it was that the
obtained of producing to the public view the
ı of the defendants, all squalid, and shock-
their appearance, together with their children
rents; and for the accusers to produce the
sword, the gashed body, and the blood-
cloaths, to tear open wounds, and to
ıeir bodies seamed with scars. These objects
prodigious impression, by representing to the
r the thing immediately transacting before
. It was thus the Roman people grew un-
ıbly outrageous upon seeing the bloody robe
ıs Cæsar exposed in the forum. This in-
l them that he had been murdered, and then
body produced upon a bed of state; but
t robe drenched in his blood gave them so
conception of the villainy that had been
ed, that they rather seemed to think, that

Cæsar

Cæsar was slaying before their eyes than that he was already slain.

I have indeed heard of (and have myself seen it practised) a very childish device, that of exhibiting above the image of Jupiter,* the picture of the whole transaction, to strike the greater horror into the court. For what a pitiful speaker must an advocate be, who shall trust more to the effects of a bit of painting than to the powers of eloquence!

Meanwhile, I am sensible, that a mean, careless, dirty dress, worn by an accused party, and all his friends, have had wonderful effects in his favour, and that entreaties have been of the utmost consequence in saving an accused party from condemnation. It may therefore be of service to conjure the judges by all the dearest pledges, such as the children, the wife, and the relations of the defendant; and the invocation of the gods gives his defence an air of proceeding from a good conscience. An accused party may even go so far as to prostrate himself before his judge, and to embrace his knees, unless his character, his dignity, and the nature of the cause, puts him above such meannesses. For, in some cases, a man ought to act with as much spirit in defending as in committing what he is charged with. But still he ought to preserve such deference for authority, as not to betray an insolent security.

We have a memorable and a most powerful instance of this manner, in the defence which Cicero made for Lucius Murena, against the charge brought against him by the greatest men in Rome. For he persuaded the court, that nothing could be of greater service to the republic than that the consuls should enter upon their offices before the first of January.

* Jupiter.] His statue was placed in courts of justice.

But

But this is a circumstance that has no place in our time. For the public safety cannot now be affected by the event of any trial, because all is governed and protected by our sovereign.

Hitherto I have been speaking of prosecutors and defendants, in criminal cases, because, in such cases, chiefly, the movement of the passions takes place. But private causes admit likewise both kinds of perorations. I mean that of recapitulating particulars, and the affecting manner I have been just mentioning; if a party's fortune or character is at stake. For to think of raising those great movements in trifling matters, is as ridiculous as to attempt to clap upon a little child the mask and the buskins in which the character of Hercules is played.

It is likewise proper to observe that, in my opinion at least, the success of a peroration depends greatly upon the manner in which the defendant accommodates his behaviour to the sentiments which his advocate attempts to raise. For stupidity, clownishness, stiffness, and ungracefulness in a party, throw a great damp upon a pleading, and the pleader himself ought to be at great pains to prevent every thing of that kind. I have myself often seen principals behaving in a manner quite the reverse of what their advocate was saying, without a single muscle of their face being altered; nay, laughing, out of all character, and acting and looking so as to make others laugh, especially when any thing happened to attract the eyes of the audience. I remember an advocate (who was concerned in a cause in which a girl pretended to be the opposite party's sister) slipt the girl over to the bench where her alleged brother was sitting, that she might cling to his bosom just as he was finishing his pleading; but the brother, being apprized of it, had retired. This disappointment struck the advocate, though an eloquent

quent man, quite dumb, and he looked very silly when he brought the girl back to the bench where she sat before.

Another thought he was doing mighty matters when he produced, in favour of a lady who was put upon her defence, a waxen image of her dead husband; but, in fact, it did nothing but raise laughter in the court. For they who had the management of it, not knowing what an epilogue or a peroration was, held it up in view of the court as often as the advocate looked that way; till considering it more nearly, it was found to resemble an ugly wrinkled old man. This foolish circumstance turned his whole pleading into ridicule.

Every body knows what happened to Glycon. He had brought a boy into court, that he might excite compassion by crying; but when Glycon asked him "Why he cried?" "My schoolmaster's pinching my ears," replied the boy; for that it seems was the real case. But nothing more effectually instructs us in the danger of managing epilogues than the ridicule which Cicero throws out against the Cepasii, in his pleading for Cluentius.

A pleader, however, may get the better of all such disadvantages, if he has presence of mind to vary his manner. But they who must stick by their notes and written instructions, when such incidents happen, are either quite struck dumb, or say something that is palpably false; such as, See how the wretched man stretches forth to you his imploring hands! Or, See how the children cling about their unhappy father! Or, behold he calls, he beckons me back! when at the same time not one of those circumstances happens. Now we bring these blunders from the schools, where we are at liberty, without any danger of not succeeding, to feign whatever we please, and all passes for reality. But this is not

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the case with real actions at the bar. It was a smart reply which Cassius made to a raw pleader, who called out to him, Why, O Cassius, dost thou behold me with that sternness of look? I did not, replies Cassius, upon my honour; but I suppose you have written so in your notes. I will not disappoint you, however. With which he surveyed him with as grim a look as he could put on.

Above all things we are to remember, that no man ought to attempt to draw tears from an audience, if he cannot command the utmost powers of eloquence. For as the effect which this produces is, of all others, the most irresistible, so, if no effect follows, it is quite palling and insipid; and an indifferent orator would do much better to leave the judges to the impressions which the cause itself makes upon their minds. For all the strainings of look and of voice, and all the assumed airs of sorrow in the defendant, generally seem ridiculous when they fail to move. A pleader, therefore, ought most carefully to measure and to calculate his powers, and to be thoroughly sensible what a difficult task he is to undertake; for it knows no medium, because whoever attempts it, must either draw tears or laughter from the audience.*

The

* Audience.] An English reader, of any taste or judgment, cannot greatly admire the conduct of the Roman pleadings, as it is represented, not only by our author but by Cicero, in whose days, however, it was much more modest than it was in Quinctilian's, whose professed design of writing was to restore true eloquence from the degeneracy into which it had fallen. The theatrical manner, which our author very justly blames in this chapter, must have been extremely shocking, when it appeared to have been, what we call re-hearsed beforehand, between the advocate and his principals. We are, however, to observe, that it is only the injudicious practice of it that our author condemns, and the behaviour of a defendant is doubtless now, as well as then, of great importance to his safety. The magnanimity of Charles I. before the high court of justice, though it did not save him, did his family great service,

The business, however, of a peroration is, not only to excite, but to dispel, compassion. This may be effected in a set speech, which cools the judges, after being warmed into pity, and likewise by certain arch, well-applied sayings, such as, give the boy some bread and butter there to keep him from crying. Or, as when an advocate carried a boy into court, the advocate on the other side, turning round to his client, who was a very fat man, how am I to do, says he, I cannot hold you up in my arms?

This manner, however, ought not to descend into buffoonry. Therefore I cannot recommend the conduct of one of the greatest orators of his time, who, when several boys appeared in court, whilst his antagonist was finishing his pleading, tossed amongst them a handful of marbles, for which they immediately fell a scrambling. Now this very insensibility of their danger has in it somewhat that is very affecting. Nor can I approve of the behaviour of a defendant, who, when his prosecutor brought into court a bloody sword, with which he alleged he had murdered a man, he immediately jumped from the bar, as if he had been frightened, and, hiding his face with all the signs of consternation, peeping out of the crowd, he asked, whether the man with the bloody sword was gone? It is true he raised a laugh, but it was at his own expence. The effects of such incidents, however, are to be removed and guarded against in our reply. With what weight does Cicero

service, and one of his principal followers saved himself from the scaffold by a well-timed bow, which he returned to his judges upon their condemning him. But there is scarcely in all history an instance that matches that of John Lilburn. These and many other cases, however that may be brought from English history, are mentioned here, only by way of contrast to the Roman manner. Meanwhile, the exquisite judgment of our author is admirable, and every Englishman who designs to speak in public must receive infinite benefit from this part of his work.

plead against the appearance of the picture of Saturnius, in his pleading for Rabirius! And with what humour, in his oration for Varenus, does he ridicule the young man, who was brought into court, and his wounds untied every now and then!

An epilogue may be conceived in a mild, soothing, strain, calculated for pleasing an opponent, if his character is such as claims our reverence, or if we give him a word of friendly advice, and invite him to a reconciliation. This manner was finely handled by Passienus, when in a pecuniary matter he was concerned for his wife Domitia against her brother Ænobarbus. For, after enlarging a good deal upon their consanguinity, being both of them very rich, he touched upon their wealth, adding, believe me, there is nothing each of you less wants than the thing about which both of you are now contending.

It is true, the movement of the affections is chiefly attempted in the introduction and close of a pleading; yet other parts of it admit them, though more sparingly, because the great powers of speaking ought to be reserved for the close. There, if ever, we are to unlock every spring, and open every source of eloquence. There it is, if we have succeeded in the other parts of our pleading, that we are to seize the affections of the judges. We have now weathered all its shelves and shallows; we are now to spread all the sail we can; and, as the great design of a peroration is to heighten, we are there to display the utmost magnificence of expression and sentiment; we are to shake the souls of the audience the more powerfully, the more near we draw to the plaudite, that I may speak the language of the antient drama. In other parts we are to touch the affections as the occasion offers; nor indeed, without touching them, ought we ever to explain

any

any thing that admits of terror or compassion. When the question turns upon the quality of an action, we may very properly throw in some sentimental stroke at the end of every proof we bring. And when the cause we plead is complicated, we employ as many epilogues as it consists of parts, as Cicero does in his pleadings against Verres: for he draws tears from the audience on account of Philodamus, the ship-masters, the infamous deaths of Roman citizens, and a great number of other circumstances.

Some think that such epilogues are only parts of epilogues, into which the peroration is divided. But I do not think them parts, so much as different manners, of a peroration. For the very words, epilogue and peroration, imply both the one and the other to be the finishing* of a speech.

CHAP. II.

CONCERNING THE AFFECTIONS; AND IN WHAT MANNER THE PASSIONS ARE TO BE MOVED.

THOUGH the part I have now discussed is the most important of any in judiciary pleadings, as it is chiefly sentimental; and though I have been necessarily led to speak somewhat concerning the affections, yet I could not comprehend the whole of that subject at one view; nor, indeed, was it proper. I am, therefore, now to attempt to treat of the most difficult part; I mean that which operates most strongly in bringing a judge to be of our opinion, by moving his passions, and by forming, and, as it were, moulding him into those dispositions, which we wish he should entertain. I have already touched upon this subject, but in such a manner as shews what is pro-

* Finishing.] This is expressly against the authority of Cicero. (See the translation of the Orations, Vol. III, p. 350.)

per to be done, rather than the manner in which it is to be effected. But now I am to investigate the matter more deeply.

I have already observed, that there may be room, through the whole of a pleading, for touching the passions; and, so far is the nature of them from being so easy as to require but to be slightly touched upon, that there is nothing more powerful in all the practice of eloquence. For, with regard to all the other parts of a pleading, a man of a slender and narrow capacity, if aided by instruction and experience, may manage them, nay, may employ them to good purpose. Nothing is more certain than that there are now, and have always been, many pleaders who have been sagacious enough in finding out all that can be of service to their arguments and proofs. I am far from contemning such abilities, though I look upon them to be only serviceable in more fully instructing a judge; and (I speak for myself) they are very proper patterns for the imitation of those, who want to pass only for well-spoken pleaders at the bar. But seldom has that orator appeared, whose stream of eloquence could carry a judge out of his depth, who could throw him into what disposition of mind he pleased, fire him into resentment, or soften him into tears. These, these, are the qualities that give an orator his powers, and eloquence her empire, over the human passions.

As to arguments, they generally arise from the nature of the cause itself, and the best cause always furnishes the most: so that the man who gets the better by them, just knows that his advocate has not failed in his duty. But it is a province peculiar to the orator alone, to carry the judgment of he court by assault, and, by eloquence, to charm a judge from the perception of truths that may hurt our interest. This cannot be put into instructions;

it

it forms no part of a lawyer's brief.* Proofs have the effect of making the judges think well of our cause, but this art makes them wish well to it. Now, mankind naturally believe what they wish for; for when they begin to be touched with resentment, with favour, with hatred, or compassion, they then begin to imagine the case their own; and, like lovers who are incapable to judge of beauty, because their eyes are blinded by passion, a judge, whose affections are once touched, quits all pursuit after truth, he is warped by the tide of eloquence, and impelled by his torrent.

The sentence alone shews the effect which arguments and evidences have had upon the mind of a judge, unless his passions are touched by the orator; but if they are, he discovers his sentiment before he quits his tribunal, nay before he rises from his seat. Does not the gushing tear, which is the great purpose in all perorations, proclaim the sentence he is to give. This, therefore, is the business which the orator is to ply; here he must labour, here he must shine. Without it, all appears naked and hungry, languid and loathsome. So true it is, that the spirit and the soul of eloquence consists in moving the passions.

Now the ancients, we are told, divided these into two kinds† affections or passions, and what the

* Orig. Hoc non docet litigator; hoc libelli is non continetur.] I am not very fond of modernizing the Roman customs, but there is no avoiding it on this occasion.

† The original, which I did not think proper to translate, s alteram Græci πάθος vocant, quam nos rectè vertentes ac propri è affectum dicimus: alteram ἦθος cujus nomine, ut ego quidem sentio caret sermo Romanus, mores appellantur; atque inde pars quoque, illa philosophiæ ἠθική moralis est dicta. Sed ipsam rei naturam spectanti mihi, non tam mores significari videntur, quàm morum quædam proprietasi. As Quinctilian here acknowledges that the Latin language had no word for ἦθος but that it signifies a propriety of manners, I hope the reader will think that manners in English, is the only word that answers that definition.

Greeks

Greeks term manners; but I take it to be a propriety of manners, and it comprehends all the habits of the mind. Some have been so circumspect as to express the meaning, without explaining the word. Hence they call the former the violent and warm, the latter the mild and gentle, affections. The former give us emotion, the latter composure; the one overpowers, the other persuades us; the one hurries us into disorder, the other attracts us into benevolence. Some say that the passions are momentary, which I own in general to be true; and yet, I think, there are certain subjects that require a pathetic strain through the whole. Meanwhile, the manners, or milder affections, require as much art, though not so much power and animation; because they enter into most, and in some sense into all, causes. For the orator can speak to no subject without touching upon virtue and utility; upon what is our duty, and what ought to be our aversion.

Some think all commendations and excuses belong to the manners. I own they do partly, but not wholly; nay, that the passions and the manners of a man are sometimes the same, only in a stronger and a weaker degree. Thus, love is the result of the affections; kindness of the manners. Sometimes, as in the close of a pleading, their operations are different; for we animate by the passions, and mitigate by the manners.

Let us, however, more distinctly explain this term of manners, because it is not sufficiently intelligible of itself. I understand, then, and I believe it to be so understood by the professors and practisers at the bar, that it is distinguished by goodness, not only of the mild and gentle, but of the cheerful, benevolent, kind; such as pleases and charms the attention. And the great property of its expression consists in its seeming so entirely to flow from the nature of men and things,

things, that the manners of an orator shine through, and are characterised by his discourse.

This manner runs through the nearest relations in life; for there, when we suffer, when we forgive, when we apologise, when we exhort, all is done without passion, and without hatred. In such circumstances, however, there is one character of behaviour of a father towards his son, of a guardian towards his ward, and of a husband towards a wife; for there each loves the object that gives him pain, and it is on account of that love that he reprimands it. But the reproaches of an old man towards an insolent young fellow, or of a man of quality to an upstart, are of a very different character. The former speak from concern, the others in bitterness.

But there are characters of behaviour of the same nature, but of less importance; such are asking forgiveness, or apologising for the heat or gallantries of youth. Under this head also comes the arch banter upon another's infirmities; but that does not come under this head only, for it is nearly allied to the properties of dissembling, soothing, fawning, and irony, by which we say one thing and mean another.

To the same head we may refer a behaviour which operates still more strongly, in procuring hatred; I mean that of an orator seeming to submit to his opponent, so as to convey a secret reproach for his insolence. For our yielding the superiority exposes their pride and insolence; and such orators as fond of hard names and bitter terms, give a loose to their tongues, little know how much more cutting raillery is than reproach. An adversary's arrogance must hurt him; but our scolding may hurt ourselves.

There is a character that we are to observe with regard to our friends and relations, in all our endearments and concerns with them, which partakes of the chief principles I have laid down; it being both

r than the one, and weaker than the other.
ols, likewise, when we draw the character of
ic, the superstitious, the covetous, and the
ly, according to their respective pursuits, we
y properly said to paint their manners, be-
ach has a separate manner which we imitate,
ich is the subject of our composition.

performer of all this, however, must be at
man virtuous and polite; for if by those
s, where they are found, a pleader can re-
nd his client to the favour of a court,
nore ought he, either really or seemingly, to
them. Those causes appear to great advan-
ı which we are prepossessed with a good opi-
the pleader's personal character. For when
dice lies against a speaker, he must speak
reat disadvantages. Because, if we think he
according to truth and justice, we then shall
n opinion of his manners; and if we have
we must disregard * what he says. Now,
s require here a character † of speaking
open and gentle, without any swelling, nay,
t any elevation or sublimity; it is enough
e speak is delivered in proper, pleasing, po-
d probable expressions. Such are the quali-
t ought to enter into this middling character
king.

different from that is the passionate or pa-
haracter, which is appropriated to the strong
ns, and which, to mark it as nearly as I can,

egard.] The reader, who is acquainted with the origi-
is chapter, will not be surprised at my being obliged now
to throw in a word that is not in the original. The
doyn, though he takes much greater liberties of that
, has in this chapter several times mistaken, or obscured,
or's sense.

aning the middling way between the two great princi-
as laid down.

 resembles

resembles tragedy, as the other manner does comedy. The pathetic is almost entirely employed upon resentment, hatred, fear, aversion, compassion, and the like, the sources of which are well known, and I have pointed them out, when I treated upon the introduction and peroration.

Now, we are to understand that fear is of two kinds; that which we suffer, and that which we create. And so is hatred; for we hate, and excite hate. We may say the same of envy. But the latter is the most difficult task for an orator, because it rises from the thing, whereas the other is inherent to the person. Now some men are in their persons detestable through their crimes, such as parricide, murder, poisoning. But some are to be painted so as to appear detestable.

Afflictions likewise are aggravated by showing our own afflictions to be greater than those of others, however aggravated. Thus Virgil makes Andromache say,

> Thee, princess, thee, heav'n all its favours gave,
> When in Troy's ruins you obtain'd a grave;
> Tho' thy last looks beheld her wretched state,
> And on a Grecian's tomb you met your fate.

Now, how wretched must Andromache have been, if, compared to her, Polyxena was happy! Sometimes we may exaggerate an injury done us, to such a degree, that, compared with it, less injuries may appear intolerable. "Had you struck me the crime had been indefensible. But you have wounded me." I shall, however, speak more circumstantially to this point, when I come to treat of amplification.

Meantime, I am to observe that the pathetic manner not only represents things as they really are, cruel and distressful, but exaggerates, into the utmost indignity, matters that of themselves appear of no great

equence. For instance, when the orator prove, that a slander is worse than a blow, aking away a man's good name is worse away his life. For the powers of elo- e the property, not only to force a judge ntiments that the nature of a thing pre- s mind, but to persuade him either from ts that are not in the nature of the thing, sons that are strongly heightened. This by that style which inspirits a pleading by g every indignity, every hardship, every and in this style Demosthenes greatly ther orators.

hus omitted nothing of all that I have ght, which deserves notice, I might here ve of this subject; but I do not think it r my purpose barely to lay down rules been given by others. No; my purpose ten the darkest corners, to penetrate into recesses of this mysterious place, to which all conduct me, but that of experience re. Now, according to these, the great oving the passions consists in our being selves. For, sometimes ridiculously, al- ctually, shall we represent sorrow, anger, tion, if what we feel within ourselves is to the expressions of the tongue and the nce is it, when the wounds of sorrow hat they give eloquence to the complaints mer, and that passion sometimes supplies and the ignorant themselves with the ins of oratory; but because the parties energy of nature, and their manners arise ty* of disposition?

Let

] Mr. Rollin is here a little severe upon our an- nding the observations in the fine passages here laid

Let us, therefore, when we want to persuade others of the truth of what we urge ourselves, be impressed with the real passion we endeavour to excite, and let us talk to the judge with the feeling of the very sentiments we want to inspire. If I myself am unconcerned, while I am endeavouring to give him pain, can he feel it? Can I fire him to resentment, if I, who am endeavouring to do it, appear without warmth, and without emotion? If my eyes shed no tears, can they bring tears from his? No;

laid down, to be new, and entirely his own; since both Cicero and Horace had recommended them before, and nothing is more common than the rule, Si vis me flere, dolendem est tibi. But this vanity, if it is one, may be defended by the practice of the greatest authors of antiquity, both in prose and verse. For my own part, I look upon it in a different light, and that the discovery, which it is pretended Quinctilian affects to make, is introduced only to recommend to his readers the importance of the observation: as if he had said, that it must have occurred to him from nature and experience, though no other writer had made it before; and therefore he had a right to consider it as his own. Besides, it may be said, that very possibly, our author was so earnest in this matter that he forgot whatever Cicero or Horace had said upon it before, or perhaps affected to forget it, that he might give the stronger instance of his being penetrated with the very quality he is recommending. Add to this, that had he mentioned either Cicero or Horace, especially the former, he could not so properly have introduced his observation in the beautiful manner he does; and which, as it were, makes it new. For though Cicero, when speaking of the same thing, shines as much, perhaps more than in any other part of his works, yet whoever reads the original of our author must be extremely glad that he considered this observation as being new, proceeding entirely from nature and his own experience.

But, after all, I really cannot find the propriety of the charge against our author upon this occasion; for he does not say that the observation is new; far from it; he says it is dictated both by nature and experience (which are in common to others, as well as to him), and Aristotle in his rhetoric, long before either Cicero or Horace, had enjoined the same precept. But indeed our author's meaning is sufficiently explained by his manner of laying it down, for which he is not beholden to any other writer, but to nature and his own experience.

that

s impossible. Nothing is combustible but
h fire; nothing can be wet but through mois-
nor can a thing communicate a colour which
not itself. The first consideration, therefore,
rator ought to be, that he look upon the mat-
pleads to in the same light in which he wishes
dge to view it, and that he himself be affected,
he attempts to affect others.

by what means are we to be affected? The
ns of the mind are not in our own power.
I will attempt to speak, even, to the matter.
man is endued with what some term fancy,
ers imagination; because, thereby the images
ngs are so imprinted in our minds, that we
ve see them in reality, and that they actually
before us. Now the man whose imagination
strongest, is the man whose affections are the
owerfully moved. Such a man we call one of
y imagination, because he has a strong im-
n of things, voices, actions, as really striking
ses, and every man may, if he pleases, possess
culty in a greater or less degree.

en the mind, for instance, has nothing to do
indulge chimerical notions, and waking
s, our ideas grow so strong that we imagine
ves to be on a journey, on a voyage, in a bat-
ranguing the people, or disposing of riches that
t our's to dispose of; nay, we do not seem to
this, but actually do it. As this is the case,
we not to avail ourselves of those wanderings
mind, so as to make them serviceable to the
es of eloquence? If I am to enter my com-
against a murderer, am I not to print upon
nagination every probable circumstance that
ned at the time the murder was committed?
the murderer to spring suddenly out of his
h, while the deceased trembles; calls out, be-

takes

takes himself to entreaties, and at last to flight? But alas, he is overtaken, I see the blow given and the man falling; still am I haunted with his gushing blood, his dying ghastliness; still do I hear his groans, still do I see his convulsive agonies in death.

Next follows illustration, or the making a thing real. This is rather painting than speaking; for it affects us as much as if the real thing was presented to view. How beautifully does Virgil realize the description of the mother of Euryalus, when she heard of her son's death!

> Her feeble hands th'unfinished task resign,
> They drop the distaff.— —

And again, speaking of Pallas:

> Upon his breast appears the ghastly wound.

In like manner, the horse, at his funeral,

> Stript of his trappings moves with mournful pace,
> and the big drops come trickling down his face.

How finely does the same poet paint a person dying far from his native country!

> ——Sweet Argos his last thoughts employ'd.

When we call for compassion, we ought to think that the circumstances, by which we want to move it, have happened to ourselves; we are to be firmly in the persuasion that we are the very persons who have suffered all the hardships, the indignities, and the miseries we complain of; we are to feel a real temporary affliction without suffering ourselves to think that we only appear for another; and we are to express ourselves as if the case was actually our own. I have often seen players so affected, as to leave the theater in tears, after they had thrown by the mask,

in

in which they had performed a character of distress. Now, if they, whose business it is only to repeat the writings of another, are so affected by amaginary distresses, how are we to behave, who ought to be impressed with all the sufferings of another, by thinking the very things we express?

But, it is proper, even in declamations at school, that young gentlemen should be affected in the same manner as in real causes; and the rather, because there we oftener speak in the character of principals than of advocates. We there act the part of the childless father, the ruined merchant, and the endangered traveller. And, to what purpose is it to attempt their characters, unless we can likewise assume their sentiments? For my own part, I never could represent those matters, for I always felt myself to be the very person; and in the characters I have gone through, which I hope I have done with some applause from the world, I have been often so affected as not only to burst into tears, but have been often seized with paleness, tremblings, and every symptom of real agony and distress.

CHAP. II.

Of Laughter.—Difficulty of raising a Laugh.—Demosthenes.—Cicero.—Effects of a Laugh.---Manner of raising one.---The Sources of it.---Caution against unproperly attempting it.---Examples.

I AM now to treat of a manner quite the reverse of that I discussed in the last chapter; I mean the manner of dissipating melancholy impressions, of unbending the mind from too intense application of renewing its powers, and recruiting its strength after being surfeited and fatigued.

Now

Now, we may be sensible, from the examples of the two great fathers of Greek and Roman eloquence, how difficult a matter this is. For, it is generally thought that Demosthenes had no talents, and Cicero no bounds, in raising laughter. The truth is, Demosthenes was not at all averse from attempting it, as appears by the instances of that kind, which he left behind him; which, though very few, are far from being answerable to his other excellencies. Few, however, as they are, they show that he liked jocularity, but that he had not the art of hitting it off. But as to our countryman Cicero, he was thought to affect it too much; for it not only entered into his common discourse, but into his most solemn pleadings. For my own part, call it want of judgment, or prepossession in favour of the most eloquent of mankind, I think Cicero had a wonderful share of delicate wit. No man ever said so many good things as he did, in ordinary conversation, in debating, and in examining of witnesses; and he artfully throws into the mouths of others all his insipid jokes concerning Verres, and brings them as so many evidences of the notoriety of the charges against him; thereby intimating, that the more vulgar they were, it was the more probable they were the language of the public, and not invented to serve the purposes of the orator. I wish, however, that his freeman Tyro, or whoever he was, who collected the three books of his jokes, had been a little more sparing in publishing the good things he said; and that, in chusing them, he had been as judicious, as in compiling them he was industrious; the compiler then had been less liable to criticism; and yet his book, even as it is come to our hands, discovers the characteristic of Cicero's genius; for, however you may retrench from it, you can add nothing to it.

Several

Several things concur to render this manner extremely difficult. In the first place, all ridicule has something in it that is buffoonish, that is, somewhat that is low, and oftentimes purposely rendered mean. In the next place, it is never attended with dignity, and people are apt to construe it in different senses, because it is not judged by any criterion of reason, but by a certain unaccountable impression which it makes upon the hearer. I call it unaccountable, because many have endeavoured to account for it, but I think without success. Here it is that a laugh may arise, not only from an action or a saying, but even the very motion of the body may raise it; add to this, that there are many different motives for laughter. For we laugh, not only at actions and sayings that are witty and genteel, but such as are stupid, passionate, and cowardly. It is therefore of a motly composition, for very often we laugh with a man, as well as laugh at him. For, as Cicero observes, "the province of ridiculousness consists in a certain meanness and deformity." The manner that points them out is termed wit, or urbanity. If, while we are pointing them out, we make ourselves ridiculous, it is termed folly. Even the slightest matter, when it comes from a buffoon, an actor, nay a dunce, may, notwithstanding, carry with it an effect that I may call irresistible, and such as is impossible for us to guard against. The pleasure it gives us bursts from us even against our will, and appears not only in the expression of our looks and our voices, but is powerful enough even to shake the whole frame of our body. Very often, as I have already observed, one touch of the ridicule may give a turn to the most serious affairs. We have an instance of this in some young Tarentines, who, having, at an entertainment, made very free with the character of King Pyrrhus, were next morning

morning examined before him upon what they had said, which though they durst not defend, and could not deny, yet they escaped by a well-turned joke. Sir, says one of them, if our liquor had not failed us, we would have murdered you. This turn of wit, at once, cancelled all the guilt they were charged with.

Yet this knack, or whatever the reader pleases to call it, of joking, I will not venture to pronounce to be void of all art, for it admits of certain rules, which Greek and Latin writers have reduced into a system; I however affirm, that its success is chiefly owing to nature, and the occasion. Now, nature does not consist in the acuteness and skill which some possess above others in the inventive part, (for that may be improved by art) but some people's manner and face are so well fitted for this purpose, that, were others to say the same thing, they must lose a great deal of their gracefulness, With regard to the occasion and the subject, they are so very serviceable in matters of wit, that dunces and clowns have been known to make excellent repartees, and indeed every thing has a better grace that comes by way of reply, than what is offered by way of attack. What adds to the difficulty is, that no rules can be laid down for the practice of this thing, and no masters can teach it. We know a great many who say smart things at entertainments, or in common conversation; and indeed they cannot avoid it, because they are hourly attempting it. But the wit that is required in an orator is seldom to be met with; it forms no part of his art, but arises from the habits of life. I know no objection, however, against prescribing exercises of this kind, to accustom young gentlemen to compositions of a brisk, lively turn of wit. Nay, the sayings which we call good things, and which are so common on festival and merry-

making days, may be of very great service to the practice at the bar, could they be brought to answer any purpose of utility, or could they be brought in aid of any serious subject. At present, however, they serve no purpose, but that of useless diversion to younger persons.

We commonly make use of several words to express the same thing; but, if you examine, you will find each of them to have its own peculiar signification.

Thus, by urbanity* is meant a polite discourse, which in its words, accents, and use, discovers a certain delicate taste, joined to a secret tincture of learning taken from the conversation of men of letters, and so is opposed to rusticity.

By the graceful† is meant what appears in a beautiful, genteel manner.

The humorous,‡ in ordinary discourse, is applied only to the ridiculous; but this is not founded in nature, though it is necessary that in all ridicule there should be humour. For Cicero attributes all humour to the Athenians, though, in their nature, they were not very risible. And Catullus, when he says, there is not one grain of humour or salt in so huge a body, does not mean there was nothing ridiculous in the body. Therefore, the salt of a discourse is that natural seasoning, which prevents its being insipid; and which, upon deeper reflection, leaves, as it were, a relish upon the palate, enlivens the attention, and preserves the oration from creating a laugh. And as salt, though pretty liberally sprinkled on meat, if not excessive, affords a pleasing relish; so, in speaking, this salt has somewhat so pleasing, that it raises a desire of hearing more.

* Urbanitas. † Venustum. ‡ Salsum.

think

I think likewise that the arch* is not used in the ridiculous only; for Horace would not make the character of Virgil to be arch, if that was its meaning. I think rather that it signifies a genteel and elegant manner. And thus Brutus used it, as Cicero shews in one of his epistles, Næ illi sunt Pedes faceti ac deliciis ingredienti molles; which agrees with that expression of Horace,

——The arch and slyly grave
The woodland muses to their Virgil gave.†

The jest‡ is opposed to seriousness; for sometimes we feign, affright, and promise in jest.

Raillery§ is in common to all these kinds, but it properly signifies an artful way of turning a person into ridicule; thus it is said that Demosthenes had urbanity, but did not understand raillery.

Now ridicule is the property of all the different

* Facetum.] It must be acknowledged, that the original words here made use of by our author, have in them somewhat that the English language does not quite come up to. I have however translated them. The word facetum in particular is extremely difficult to translate into English by any one word. It implies a delicate archness of wit that steals upon the mind of the hearer, without altering one feature in the speaker. I cannot explain it better than by referring my English reader to the comedy of the drummer, where the facetum is perhaps better hit off than even by Terence himself. In short, Mr. Addison, next to Shakespear, possessed more of the facetum than any English writer. For that species of humour for which Swift is so deservedly celebrated, was not the facetum, but something more violent. The French writers have nothing of the facetum; the humour of Rabelais is strained, and therefore is in direct opposition to the facetum; and that of Moliere is not high enough seasoned. The Italian writers seem to have no idea of it. Cervantes, and one or two more Spanish authors, possessed it in an eminent degree. But the great pattern of the facetum was Shakespear; nay, he had the art to carry it with a happy effect into tragedy.

† Molle atque facetum, Vigilio.

‡ Jocus. § Dicacitas.

kinds

kinds of wit I have here treated of; and the first division of it is the same with that into which all discourse is divided; that is, into things and words. As to the practice of it, it is mighty simple; for it arises either from others or from ourselves, or from indifferent objects. When from others it operates by reproach, by refutation, by dashing, by retorting, or by eluding. When from ourselves by discovering somewhat of the ridiculous, or what Cicero * calls it, over and above absurd.† For the things which would seem very stupid, did they escape us through inadvertency, are extremely agreeable when we throw them out to design. There is, according to the same author, a third kind of the ridiculous, which consists in baulking the expectation, by giving a word, or a circumstance, a turn quite different from what we expect; and this I call the ridicule arising from an indifferent object, because it regards neither me nor you.

We may either act or speak ridicule. Sometimes a grave way of doing an arch thing occasions great ridicule. Thus when the consul Isauricus had broken the curule chair belonging to the praetor Marcus Cælius, the latter erected another chair slung upon leathern straps, because it was notorious, that the consul on a time had been strapped by his father. Sometimes ridicule attacks objects that are past all sense of shame; for instance, the adventure of the casket, mentioned by Cicero in his pleading for Cælius. But that was so scandalous a thing, that neither the orator nor any person in his senses could enlarge upon it. We may make the same observation, when there is any thing droll in the look

* These are likewise absurd, but for that reason often very ridiculous, and fit not only for players, but in some measure for us. Cicero de Orat. l. 2. cap. 67.

† Aliqua subabsurda.

or

or the manner; for they may be rendered extremely diverting, but never so much, as when they appear to be very serious. For nothing is more shocking and stupid than to see a man always upon the titter, and, as it were, beating up for a laugh.* But though a grave, serious look and manner add greatly to ridicule, and are indeed sometimes ridicule itself, by the person remaining quite serious, yet still it may be assisted by the looks, and the powers of the face, and a certain pleasing adjustment of one's whole gesture; but always remember never to overdo.

As to the ridicule that consists in words, its charecter is either that of wantonness and jollity, as we generally saw in Galba; or cutting, such as what the late Junius Bassus possessed; or blunt and rough, like the manner of Cassius Severus; or winning and delicate, like that of Domitius Afer. The place where we employ those different manners is of great importance. For at entertainments, and in common discourse, the vulgar are wanton, but all mankind may be chearful. Meanwhile, let all malice be removed, and let us never adopt that maxim, rather to lose our friend than our jest. With regard to our practice at the bar, if I was to employ any of the manners I have mentioned, it should be that of the gentle, delicate kind. Though at the same time we are allowed to employ the most reproachful and cutting expressions against our adversaries; but that is in cases of capital impeachments, when justice is demanded upon an offender. But, even in that case, we think it inhuman to insult the misery or the fallen state of another. For such are generally less to blame than they are represented, and insults may recur upon the head of the person who employs them.

* Laugh.] The original here is irrecoverable,

We

We are in the first place, therefore, to consider, who the person is that speaks, what is the cause, who is the judge, who is the party, and what are the expressions. An orator ought by all means to avoid every distortion of look and gesture employed by comedians to raise a laugh. All farcical, theatrical pertness is likewise utterly inconsistent with the character of an orator; and he ought to be so far from expressing, that he ought not to imitate any thing that is offensive to modesty. Nay, though he should have an opportunity to expose it, it may sometimes be more proper to pass it over.

Farther, though I think the manner of an orator ought always to be elegant and genteel, yet he should by no manner of means affect being thought a wit. He should not, therefore, be always witty when he can, and he ought sometimes to sacrifice his jest to his character. What indignation does it give us in a trial upon atrocious crimes, to hear a pleader breaking his jokes, or an advocate merry, while he is speaking in defence of the miserable!

Besides, we are to reflect that some judges are of so serious a cast, as not to endure any thing that may raise a laugh. Sometimes it happens, that the reproach we aim at our opponent, hits the judge himself, or suits our own client. And some are so absurd that they cannot abstain from expressions that recur upon themselves. This was the case with Longus Sulpitius, who being himself a very ugly fellow, and pleading a cause that affected the liberty of another person, he said, that nature had not given that man the face of a freeman. "Then replies Domitius Afer to him, "You are in your soul and conscience of opinion, that every man who has an ugly face ought to be a slave."

An orator likewise is to avoid every thing that is ill-mannered or haughty, offensive in the place, or unseasonable

unseasonable upon the occasion. He is likewise to say nothing that seems premeditated and studied before he came into court. Now, as I have already said, it is barbarous to joke upon the miseries of another; while some are so venerable, so amiable in their universal character, that a pleader only hurts himself by attacking them. As to our friends, I have already laid down rules with regard to them.

One maxim is of use not only to the purposes of an orator, but to the purposes of life; which is, never to attack a man whom it is dangerous to provoke, lest you be brought to maintain most disagreeable enmities, or to make most scandalous submissions. It is likewise highly improper to throw out any invectives that numbers of people may take to themselves; or to arraign, by the lump, nations, degrees, and ranks of mankind, or those pursuits which are in common to many. A man of sense and good breeding will say nothing that can hurt his own character or probity. A laugh is too dearly bought, when purchased at the expence of virtue.

It is, however, extremely difficult to point out all the different manners of raising a laugh, and the occasions that furnish it. Nay, it is next to impossible to trace all the different sources of ridicule. In general, however, a laugh may be raised either from the personal appearance of an opponent, or from his understanding, as it appears by his words and actions, or from exterior circumstances. These, I say, are the three sources of all vilifying, which, if urged with acrimony, become serious; if with pleasantry, ridiculous. Now, all the ridicule I have mentioned arises either from exposition, narrative, or characterising.

Sometimes, but seldom, it happens that an object of ridicule actually presents itself upon the spot. This happened to Caius Julius, who told Helmius

Mancia, who was deafening the whole court with his bawling, that he would show him what he resembled. The other challenging him to make good his promise, Julius pointed with his finger to the distorted figure of a Gaul, painted upon the shield of Marius, which was set up as a sign to one of the booths that stood round the forum, and in fact was very like Mancia. The narrative of imaginary circumstances may be managed with the greatest delicacy and oratorial art; witness Cicero's narrative concerning Cepasius and Fabritius, in his pleading for Cluentius; and the manner in which Marcus Cælius represents the race run between Caius Lælius and his colleague, which should get first to his province. But all such recitals require every elegant, every genteel touch the orator can give them, and the whole must be wrought up with the most exquisite humour. How much ridicule does Cicero apply to the description of the retreat of Fabritius? "Thus he thought himself doing mighty matters, while he was from his magazines of eloquence, playing off those most pathetic expressions. Look back my lords upon the mutability of fortune; look back upon the variety and alterations to which human life is subject; look back upon the old age of Fabritius; now when he came to the last look back, which he had so often repeated to embellish his discourse, he looked back himself, but, by this time, Fabritius had stolen out of court;" and what follows is in the same strain, for the passage is well known. All this high finishing did not contain a word that was fact, more than that Fabritius had left the court.

The whole of the pleading of Cælius, which I have mentioned is extremely beautiful. In what manner he was transported, whether in a ship or fishing-boat, nobody knows. The Sicilians, who love mirth and raillery, say that he sat across a dol-

phin's back, and so was transported like another Arion."

Cicero thinks that humour is most proper for a narrative, and smartness for a repartee. Afer Domitius had wonderful talents of this kind, and his orations are full of very humourous narratives; nay, a book has been published of his witty sayings. We may refer to this head another manner, which does not consist in repartee, or quaintness of wit, but in a more continued action. An example of which we find in Cicero's second book upon the character and qualifications of an orator, and in several other passages of the same, where Crassus is introduced pleading against Brutus. For when Brutus, in his impeachment of Cneius Plancus, made two readers read out of two treatises, the one concerning the Narbone colony, the other upon the Servilian law, the contradictions of Crassus, the author of them, and advocate for the defendant, Crassus called up three readers, and put into their hands the three dialogues composed by the father of Brutus; in one of which treatises, mention was made of the author's Privertine estate; in a second of his Alban estate; and in a third, of his Tibertine estate. And then he asked Brutus, what was become of those estates! Now, Crassus had sold them all, and was thus rendered infamous for having dissipated his patrimony. Apologues and certain little stories, which sometimes come in a pleader's way, admit graces of this kind; but short turns of wit are smarter, and quicker in the execution they do. Now these turns are applied either in charging or replying to a charge, and the manner of both is pretty much the same in one respect; for nothing can be thrown out in a charge, that may not be sent back by a rebound in the reply. Some things however are peculiar to a reply; and sometimes they slip from

from us in the heat of passion. Other manners may be more proper for altercation, or the examination of witnesses.

As there are, however, many sources of the ridicule, I am once more to caution my reader, that all of them are not proper for an orator. With regard to equivocal expressions, I dislike those obscurities* that puzzle the understanding, as well as the ribaldry made use of by the lower set of people, and convey something that is spiteful in a double meaning. I likewise disapprove of the jokes that fall sometimes from Cicero, but, as I have observed before, never in his pleadings. For example, a man who was reckoned to be a cook's son, happened to stand for a public office, and was consequently dressed in white; Jack, says Cicero to him, thou art dressed just to my taste.† Not that I am for excluding all double meanings of wit, but I am for seldom making use of them, because they never have a good effect unless the thing exactly coincides with the word; which rarely is the case.

For this reason I am almost tempted to reject, as scurrilous, the play of words which Cicero applied to Isauricus, whom I have already mentioned, who

* The original here mentions the Atellanæ, which was a kind of double entendre made use of in a sort of comedy which the men of quality in Rome were suffered to act in, without any infamy: whereas all other actors and stage-players were held to be infamous. This commedy had its name from Atella, a town in Italy, where either the inhabitants were a witty sort of people, or where it was invented.

† There are two exquisite puns, or double entendres, in the original here, which either signifies, cook, I will give you some of my soup; or, I likewise, sir, will give you my vote. As it was impossible to translate it literally, I have given it an English turn; but I am afraid the wit of it will be lost upon the reader, if he does not reflect that our English cooks are generally dressed in white, and that Jack is not only a man's name, but a piece of kitchen furniture.

happened

happened to be much freckled. It is surprising,* says he, that a father who was a fair man, should beget a painted son. But there is a very fine manner that comes under the same head; for example, when the manager of the impeachment against Milo asked, Whether it was not late† when Clodius was killed? Late, indeed, replied Milo. This very instance is sufficient to prove that the whole of this manner is not to be rejected. Some words there are which not only convey several meanings, but contradictory meanings. Thus Nero, before Cicero's time, said of a pilfering slave, That‡ he was the only servant from whom nothing in his house was either sealed or concealed.

This manner may sometimes be carried into a riddle. Thus Cicero, mentioning the mother of Pletorius, who impeached Fonteius, says, That§ she sinned while alive, and was executed when dead. For it was reported that she kept a brothel when she was alive, and after her death her goods were sold. Another kind of this wit is as follows: Fabius Maximus, reflecting upon the smallness of the

* The goodness of this pun depends a good deal upon the agreement of the thing with the word. The original is, Miror quid sit quod pater tuus homo constantissimus te nobis varium reliquit. Now if Isauricus was really an inconstant treacherous fellow, the pun in the original is not near so execrable as it is in the translation. The word varius is by some pretended to signify one pitted with the variolæ, or small-pox; but that is not very likely, and therefore more probably signifies as I have translated it.

† Orig. Sero.] The English here pretty well answers the original.

‡ See Cicero de Oratore, l. 2, c. 61.

§ This pun is execrable even in the original; Dum vixisset, ludum; postquam mortua esset, magistros habuisse. The Reader is to observe that, amongst the Romans, the appraisers and auctioneers of goods that were sold for debt were called magistri; and this answers to our executions for debt.

presents

its made by Augustus to his friends, said,
were not presents, but compliments.

is a poor way some have of coining words by
ing, adding, or taking away letters. Thus,
ion for an oration, which had in it a good deal
nbast. Acid, to mark the disposition of a man
name was Placid. Tolly, to mark a turnpike-
whose name was Tully. But all this kind of
very mean when it does not answer in facts,
ll as in expressions. Thus when Afer saw
ius Sura, while he was pleading a cause, stamp-
out, starting up, flinging his hands about, and
g the lappets of his gown from one side to
er, he said, That he was not doing, but over-
for his client.† Now, there would be wit in
ord overdoing, though it had no resemblance
word doing. This kind of wit likewise may
by altering or suppressing the pronunciation, or
nning two words into one. The whole of the
er is indeed very despicable; but sometimes,
h very seldom, it may be serviceable. We
ay the same thing of the puns that consist in
g upon words. Cicero, especially in his
ing against Verres, gives us many instances of
kind; but he always puts them in the mouths
ier people. For Verres in Latin signifies both
som or broom, and a boar-pig: he therefore
times says, that he was a broom which swept
clean; sometimes, that this pig gave more
le to Hercules (whose temple he had plunder-
han ever the Erymanthian boar had given him.

he original here cannot be translated, but I have given the
ce and sense of the passage.
have kept as near the author's words as possible in the two
tances, but was obliged to substitute one in the place of the
the original.
rig.] Non agere, sed satagere.

Sometimes

Sometimes that it was contrary to the sacerdotal function (for Verres had succeeded one Sacerdos in his government) to leave such a pernicious pig behind him unsacrificed. Yet certain occasions may occur, when this manner may be happily applied. For instance, when Cicero, in his oration for Cecinna, is inveighing against an evidence, one Sextus Clodius Phormio; this Phormio, says he, is as black and as impudent a villain as the Phormio of Terence. Upon the whole, therefore, the wit which arises from the properties of things, is both more penetrating, and more elegant, especially where there is a striking likeness to some other object that is mean* and disagreeable. The antients were very fond of this kind of wit. But it is not applicable only to men, but to beasts. Thus when I was a boy, we called Junius Bassus, who had a remarkable, braying, bullying manner, the ass with two legs. And Sarmentus, or Publius Blessus, used to call Junius, who was black, withered, and stooped, an iron broach. This manner of raising a laugh is now greatly in vogue.

Sometimes this similitude is very striking, and sometimes is by way of inference. Thus, when Augustus saw a soldier trembling very much as he was presenting him with a memorial, Friend, says he, why do you tremble, as if you were stretching forth a penny to an elephant? Sometimes there is a patness in things, as if they happened on purpose to give rise to this kind of wit. Thus, when Vatinius was accused by Calvus, the latter reproached him for his indecency in having any thing of white about him, especially a white handkerchief with which he

* Our author gives us two examples of this, which cannot be translated. Lentulus was called Spinther, because of his resemblance to a player of that name; and Scipio, Serapion, because a slave of that name resembled him.

often

often wiped his face. Nay, says the other, though I am now impeached, I eat even white bread.*

The relation which one thing may have with another, gives likewise rise to a delicate manner, by transferring their properties to a quite different purpose than that which they really are made for. Thus when the representation of the towns which Cæsar had taken was exhibited in models of ivory, and when a few days after the towns taken by Fabius Maximus were exhibited in wood, Chrysippus called the latter, The Cases of Cæsar's Models. The Poet Pedo said of a gladiator who carried a fish for his crest, and was pursuing another gladiator, who fought with a net, but without any blows passing between them, That† the former wanted to take the other alive. Sometimes a double meaning is joined to the resemblance. Says Lucius Galba to one who was playing in a loose careless manner, You court fortune‡ as carelessly as if you was a courtier indeed. Now there is an ambiguity in the word court, which is applicable to the business both of the player and the courtier. But I here take my leave of this manner. I shall only observe, that it has in it a great mixture of the other manners, and the more mixed it is, it is the better.

* The wit of this saying probably arises from the meanness of the prosecutor, who was either so poor or so avaricious, that he did not allow himself to eat white bread, and hardly any one but slaves eat brown among the Romans.

† The original is as I have translated it, but I am somewhat suspicious of it. The Mirmillones had the figure of a fish on their crests. The Retiarius threw a net over the head of the Mirmillo, and stabbed him with a fork while he was entangled in it.

‡ Orig.] Sic petis tanquam Cæsaris candidatus. The verb petere in Latin signifies to strike, to go after, or to court a thing, therefore the equivoque is, in a great measure, lost in English. The reader is to observe, that under the Cæsars, the favourite they recommended to public employments were always sure to succeed, and therefore were at very little pains to court the people, who nominally were their electors.

We

We may make the same observation upon the good things that are spoken by way of contrast or opposition. Augustus Cæsar sent a message in the following terms to a Roman knight, whom he saw in the midst of the public diversions eating and drinking: Friend, when I want to dine I always go home. That may very well be, replied the other, for I do not suppose you are afraid of any body's taking your place while you are gone. There are several ways of saying good things by way of contrast. For the same Augustus having cashiered with disgrace one of his field-officers, the latter, amongst other remonstrances happened to say, What shall I say to my father? Say to him, replies Augustus, that I am fallen under your displeasure. But when one asked Galba to lend him his cloak, That I cannot do, replied he, for I am to stay at home all day. Now the truth was, the rain was pouring through the roof of his house. There is a third manner, which was made use of by a certain person, for whom I have too great a respect to name him; You are more lustful, said he to one, than any—eunuch. Here the expectation is baulked through the application of the contrariety. There is another manner that may properly be mentioned here, but very unlike any of the former. It was practised by Marcus Vestinius, when he heard of the death of a fellow worn out by diseases, Then* he still continues to rot, says he. I should overload this treatise, and render it no better than a common jest-book, where I here to collect all the good things said by the ancients. I shall only observe, that joking sometimes admits of what I have observed on the subject of arguments. A definition, for instance, is em-

* I have taken some liberty with the original, which is confessedly desperate, because I am persuaded I have hit upon the meaning of my author.

ployed

ployed by Augustus, when speaking of two pantomimes, who strove with one another to excel in their several gestures, he said, That the one resembled a dancer, and the other a confounder of dancing. Galba made use of partition in joking; for when another person wanted to borrow his cloak, You cannot have it, said he, for if the weather is fair you will have no occasion for it, and should it rain I shall wear it myself. Upon the whole, therefore, every thing that admits of general divisions, of subdivisions, properties, differences, conjuncts, adjuncts, consequences, premises, contrasting, causes, effects, a comparision of equals, from the greater, or from the less, admits of wit likewise. Wit enters into all the figures of speech. It is likewise very useful in the hyperbole. Thus Cicero, speaking of Memnius, who was a very tall man, says, That he was obliged to stoop as he went through the Fabian arch. In like manner, Publius Oppius speaking of the race of the Lentuli, who, from father to son, diminished in stature, said, It seems, it was the property of Lentils to degenerate. As to irony, even when it contains matter of truth, it forms of itself a species of wit. Didius Gallus, after earnestly soliciting for a government, when he had obtained it complained that it had been forced upon him. Then, good sir, replies Afer, with great wit, do something at last for the good of your country. Thus Cicero, hearing of the death of Vatinius, but being told, at the same time, that the report was uncertain; Be that as it will, said Cicero, I will enjoy it in the meanwhile, though I may pay for it afterwards. When he was characterizing Marcus Cælius, who, it seems, was better at impeaching than defending, he said, He made very good use of his right hand, but that his left was nought.

Figures of sentiments admit of all this kind of wit, and some distinguish the different sorts of witty sayings,

sayings, according to the difference of those figures. For, we question, we doubt, we affirm, we threaten, and wish, we say some things in pity and some things in passion. Now, all those emotions, when it is plain we are not in earnest, convey ridicule. As to downright folly, that is ridiculous of itself without the help of art. But the ridicule arising from the author is of the dispicable kind. For, to make the thing we say ridiculous, without appearing ridiculous ourselves, is true wit, and requires great art to effect it. Thus, Tityus Maximus asked Carpathius, as he was coming out of the theatre, Whether he had seen the play? I cannot say I did, replied Capathius, for I was playing at tennis in the orchestra. Now, this answer made the other's question doubly ridiculous.

Refutation admits of ridicule, either by way of denial, confuting, defending, or evading. There was some humour in the answer, by way of denial, which was made by Curius Manius, when his impeacher exposed, in every corner of the town, his picture done upon canvas, either naked and bound, or redeemed by his friends from his gaming debts. Then, said he, it seems I had never one lucky throw.* Sometimes we may confute from a known fact. Thus, when Vibius Curius called himself a great many years younger than he was; Then, said Cicero, you was not born when you and I used to declaim together. This is sometimes finely done by a sneering assent. Thus Cicero, another time, when Fabia Dolabella said she was thirty years of age; That

* Though I see no great harm in this saying, yet I durst not imitate the Abbé Gedoyn in wholly omitting it, because it has reference to the denial, which is one of the heads laid down. Perhaps the original is faulty; but I have no great regard to the objection brought against it by Burman. The siparium, which I have translated canvas, was, indeed, properly a kind of stage-curtain; but it may be taken for any piece of cloth.

must

must be true, replied he, for I have heard you say so these twenty years. It has a good effect, when, in denying a charge, you substitute, in its place, somewhat that is more cutting than the charge itself. Thus Domitia charged Passienus with abusing her for sordid practices, by saying that she used to sell old shoes. I never said so, upon my honour, replied he; What I said was, that you used to buy old shoes. A certain Roman knight defended himself with some humour, when Augustus charged him with having eat up his patrimony. I thought, said he, it was my own.

There are two ways of evading; first, by dissipating, or confounding a man's vanity and boasting. Thus, when Pomponius shewed Cæsar a wound in his face, which he said he had got for taking his part in the sedition raised by Sulpitius; Prithee, friend, says Cæsar, never again look behind you when you are flying from your enemies. Secondly, we may humorously destroy the very charge. Thus when some people were reproaching Cicero with being about to marry, in his sixtieth year, Popilia, who was a young virgin; To-morrow said he, she will be a woman. We have another stroke of that kind in Cicero. For, when Curio always began his pleading by complaining of his great age, Cicero observed that such introductions became every day more familiar to Curio. There is likewise a way of assigning opposite causes, which has a very good effect in eluding a thing. When Vatinius, who had the gout, pretended to be a good deal better, and, as a proof of his recovery, said, that in one day, he had walked a couple of miles; That may be, said Cicero, for the days are now at the longest. Augustus, when he was told by the people of Tarracona, that a palm-tree was growing from his altar; I can judge from thence, replied he, how very often you put fire upon

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upon it. Cassius Severus threw a charge upon another; for when the prætor reproached him, that his advocates had affronted Lucius Varus, and Epicurian, and very intimate with Cæsar; I am not, replied he, acquainted with the parties you mention, but, if I am not mistaken, they are Stoics.*

There are many ways of catching a thing at a rebound. The genteelest is, when it is assisted by some resemblance of expression. Thus, when Snellius told Thracallus,† If these things are so you are to turn out. And, if these things are not so, I am to turn in, replied the other. Cassius Severus eluded a charge brought against him, on account of Proculeius having forbid him his house: Pray, said he, do you see me going thither now? One joke may be eluded by another. Thus, when the Gauls presented Augustus Cæsar with a collar of gold weighing a hundred pounds, Dolabella, between jest and earnest, said to him, Pray, sir, honour me with a collar. A collar! replied the other; no, I'll honour you with a crown.‡ One lie, likewise, may be eluded by another. Thus, when a certain person told Galba, that he bought in Sicily, for three farthings, a lamprey five foot long. I think nothing of that, replied Galba, for lampreys there are so long that fishermen make use of them for ropes. The seeming to acknowledge a charge may answer the purpose of refuting it, and it has a very fine effect. Thus, when Afer was pleading against a freed-man of Claudius Cæsar, and was opposed by another freed-man, who was advocate against him,

* Stoics.] Meaning, that, if an affront was given, it might be on account of the difference of their philosophical opinions.

† Orig. Si hoc ita est, is in exilium; non est ita, redii.] The reader will, perhaps, find as little wit in the original, as in the translation, or rather imitation of this passage.

‡ Crown.] Because these crowns, though more honourable than collars, cost little or nothing, being made of oak, laurel, grass, or the like.

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in these terms, Are you not always railing against Cæsar's freed-men? Yes, replies the other, but I see it is all to no purpose. Akin to this is, not to deny a charge when it is palpably false; and this manner affords matter for good repartees. Thus, Philippus asked Catulus, Why he barked? Because, replied the other, I see a thief.*

It seldom or never is proper for an orator to raise a laugh at his own expence; for that is more proper for buffoons. But, there are as many ways of doing that as of raising it at the expence of another. I, therefore, only mention that manner, though indeed it is but too common. There is another manner, which, though it admits of ridicule, is unworthy a gentleman; I mean that of saying any thing that is low or passionate. A certain person fell into this indecency, when one greatly below him lost the respect he owed him: I'll give you a box, says he, on the ear, and then prosecute you at law for hurting my hand by the hardness of your head.†

Now, it is doubtful, whether this saying ought to raise laughter, or indignation.

I am now to speak of that manner which consists in, as it were, surprise, or in understanding things in a different sense from that in which they are meant; and, indeed, it has great beauties. An unlooked-for turn may be made use of in an attack, as in the example given us by Cicero? What

* Thief.] Turnebus, the best of our author's commentators, is of opinion, that Catulus did not call Philippus a thief, for that would have been too impolite, but the person for whom he was pleading. But, was it not equally impolite for the other to ask such a question? See Cic. de Orat. l. 2, c. 54.

† I am not sure whether many modern men of quality would have been pleased to have been the author of this saying, extravagant as it is. The Abbé Gedoyn has entirely mistaken the sense of it in the original. Meanwhile, I am of opinion that it is censured by our author chiefly because it is a kind of proverbial piece of ribaldry, made use of among the common sort of people.

asked his freed-man, Ovinius, whom he met, right? All very right, answered the other. I am of it, said Cicero, for I had heard your maste not dead.

Feigning and dissembling, which are pretty of the same nature, are likewise very proper to a laugh. By feigning, I mean your seeming persuaded of what you know to be false; by di bling, your seeming not to apprehend the real ing of another. For example: though Afer stood that Celsina, whom his antagonist was tually talking of, was a lady of great rank, asked, What kind of a man is this Celsina? gave an example of dissembling, when the evi of one Sextus Annalis having hurt his client, th posite party pressed him to say, Whether he any thing of Sextus Annalis? Cicero, affecti understand him as speaking of the sixth annal nius, began with repeating it:

O thou, who canst the mighty causes tell,
Why blood and war the Roman state befel.

Ambiguity of expression very often furnish this manner. Thus Casselius, when a client

think him a heedless fellow. There is another manner of this kind, that arises from our leaving our meaning to be guessed. Thus, in Cicero, when a man was complaining that his wife had hanged herself upon a fig-tree. Pr'ythee, my dear, said the other, canst thou get me some slips of that same tree, that I may graft them in my garden? And, indeed, all this manner consists in understanding a thing differently from what you know to be its real, genuine meaning. This is done by suppressing either our own sense, or that of another, or by throwing out something that is impossible. Thus when one complained to Juba, that his horse had bespattered him, Then, replied Juba, you really think that I am a Hippo centaur.* Here he suppressed the other's meaning. But Caius Cassius suppressed his own, in seeing a soldier going to fight without his sword; I know, my friend, said he, that your fists will do great execution. And when Galba sat down to supper upon some flounders, the under-side of which he perceived had been eaten before, Let us dispatch, said he, for there are people under the table supping upon these fish. The repartee of Cicero, upon the man who was not born when he declaimed, may be likewise ranked under this head.

There is a fiction likewise arising from irony: such is that which Cæsar made use of, when a witness said, that the accused party aimed a stroke at a certain part of his body,† which plainly aggravated the charge.

* Meaning that his horse was no part of himself.

† Orig. Et esset facilis reprehensio, an illam potissimum partem corporis vulnerare voluisset. Quinctilian's meaning must certainly have been as I have translated these words; for, by taking the word reprehensio with the Abbé Gedoyn, and the commentators, in a ludicrous light, that is, for ridicule, the whole merit of Cæsar is destroyed; for he wanted to turn, not one ridiculous circumstance into another, but a very serious charge into a very ludicrous circumstance.

a witness, Hortensius, who was advocate on the othe side, told him, that he did not understand these rid dles. What! replied Cicero, though you have a sphinx at home. Alluding to the figure of a sphinx in bronze, of great value, which Hortensius had re ceived in a present from Verres.

A witty absurdity is an imitation of stupidity, an both would be the same, were not the absurdit affected. Thus, when some were laughing at a perso for his taste in buying an old flat candlestick, It wi serve me, says he, to dine off. A smart thing ma sometimes resemble an absurdity, by seeming to b thrown out without any manner of meaning. Thu when Dolabella was about to purchase a slave, wh offered himself to sale, he asked him, whether he ha his master's leave to be sold; He has, replied th slave, sold his house. They who are convicted of mistake, sometimes put a good face upon the matte by somewhat that is humourous. An advocate, i examining a witness, who pretended that he ha been wounded by the defendant, asked, whether h had the scar to show. Upon the witness showin him a large scar upon his thigh, the advocate, fa from being confounded, only answered, You ough to have received that wound in your side. We ma make even a happy use of affrontive expression Said one, concerning Hispo, I have twice accuse this same Hispo. And twice have you lied, replie Hispo. A general officer, who, it seems, had not th best of moral characters, asked Fulvius, whether th Testament he produced was subscribed; It is, Si replied Fulvius, and the subscription too is no fo gery.*

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* Having thus finished the translation of the witty sayings me tioned by our author, I must declare, that they give me no hi opinion of the Roman wit, especially under the emperors. Th

Such are the kinds of wit, which, either according
my own observation or the precepts of others,
ve rise to ridicule. But I think proper to repeat it,
at the manners of speaking in joke are as various as
ose of speaking in earnest; which are directed ac-
ording to characters and persons, places, times, and
cidents, which are almost infinite. Therefore I
ave only touched upon particular instances, because
had been to blame entirely to have omitted them:
ut with regard to the rules I have laid down, con-
erning the practice and manner of introducing a
itty thing, they may, perhaps, be not of so much
ervice as I could wish, but they are indispensably
ecessary.

Domitius Marsus, who has wrote with great judg-
ent upon urbanity, adds to the observations I have
ade, "That there is a manner of wit, which has in
nothing of the ridiculous, but is applicable to the
omitius Afer, who, it seems, was a professed wit, and in the highest
ogue at the time Quinctilian wrote, were he to live in England at
his time, might pass, indeed, for a good agreeable, sensible man;
ut I can see nothing from our author that could entitle him to the
haracter of a man of wit and humour. It is true, a great many cir-
umstances may be lost to us, and with them a great deal of the
it; and it is likewise true, that the text is irrecoverably corrupted.
t the same time, however, some of them are certainly genuine, and
telligible in their full extent, and a few of them are extremely
autiful. But, in general, they are not compatable to those we find
n our common English Jest-books. Many even of Cicero's jokes
though, besides his eloquence, he was a man of wit, and must have
een considered as such in every age and country) are insipid
nough. In short, this part of our author's work is not so valuable
or the excellency of the wit he has transmitted to us, as it is for
he application of the examples to the incomparable definitions and
bservations upon wit, which he has laid down, and which, I think,
ave been equalled in no language. Mr. Rollin has, indeed, thought
roper to omit the greatest part of this chapter; and it must be ac-
nowledged that the finest passages of it are yet to come. But I do
ot venture to follow him in that, because I have a great authority,
hat of my author himself, which tells us, he had said nothing on
hat head but what is necessary.

most

most serious discourses, by being elegantly expressed, heightened by the touches of graceful humour, and proving the author to possess every delicacy of taste, though he says nothing that can raise a laugh." His work treats not of that wit which makes a laugh, but of urbanity, which, he says, is a manner that is peculiar to our city; and that it was not understood, till after Rome, by way of distinction, came to be called the Urbs, or the city. Now, his definition of urbanity is as follows. "Urbanity consists in a certain power comprized in a short saying, fitted equally to please, and to move every passion of mankind, and peculiarly adapted either to repel or to attack, as things or persons require." This definition, excepting the brevity which it requires, answers all the properties of eloquence: for it consists in things and persons; and the business of the most complete orator is confined to them. But, why he requires brevity, I know not.

But, in the same book, he says that many have possessed an urbanity, which has a peculiarly fine effect in narratives; and, conformably, as he says, to Cato's opinion, he defines a man of urbanity to be, "A person who is generally happy in his sayings and answers; and who, in private conversation, in public companies, at entertainments, in assemblies of the people, in short, in all places, and on all occasions, speaks with wit and propriety at the same time." An orator who answers this description can always command a laugh. But, if we admit this definition to be true, whatever is said with propriety and urbanity, is called a witty saying.

Agreeable to this observation, Marsus has divided the quality of urbanity into what is said in jest, into what is said in earnest, and into what is said between both. Now, this is the very character of wit. But, by his leave, there may be a certain kind of jocular wit,

it, which is absolutely inconsistent with urbanity. My opinion of urbanity is, that it is a quality in which nothing can be found that is disagreeable in the ne sentiment, nothing that is coarse in expression, nothing insipid in the taste, and nothing uncouth in ne air; and that it is not to be taken from a single expression, but results from the whole of the complexion and manner. Thus, amongst the Greeks, Attacism was that agreeable relish, that seasoned poeness, that was peculiar to the Athenians.

To do justice, however, to Marsus, who was a an of the first rank in learning, I must not conceal at he divides the serious manner into three kinds; e honourable, the affrontive, and the middling. n example of the first we have in Cicero's pleadg for Ligarius, when he says to Cæsar, You, Sir, o use to forget nothing but injuries. We have an ample of the affrontive kind, in one of his letters Atticus. Alas! says he, I know the man I ought fly, but not the man I ought to follow. An exple of the middle we have in his fourth invective ainst Catiline, where he says, To the brave, death n never be dishonourable; to the consular, unely; or to the wise afflicting. All these passages very noble in their kind; but I cannot see what kes urbanity their characteristic.

But admitting, against my opinion, that urbanity es not result from the whole complexion and manr, and that it may be characterized from single pasges, I then take it to be of that kind which parkes of the ridiculous, but is not ridiculous; or that hich makes us smile, without making us laugh. us it was said of Pollio Asinius, who was equally alified for the jocose and the serious, that he was nan of all hours. And it was said of a pleader, o spoke off-hand, with great fluency and propri, that he had all his wit in ready cash. The saying,

ing, too, of Pompey, recorded by Marsus, is of the same kind; for when Cicero was perpetually expressing his fears of Cæsar, says Pompey to him, Go over to Cæsar, and you will fear me. There is here somewhat that would partake of the ridiculous, if it had been spoken upon a less important occasion, with a different view, or by another person than Pompey. We have another instance of the same kind, in a letter from Cicero to Cerelia, in which he apologizes for his so patiently enduring the tyranny of Cæsar. These are things, says he, that call for the spirit of a Cato, or the stomach of a Cicero, to digest them. For there is somewhat jocose in the word stomach.

Such are the remarks I have thought proper to make upon this subject; and though they may not always be pertinent, yet cannot the reader say that I have misled him; for I have laid before him the opinions of others, and left him at liberty to take his choice.

CHAP. IV.

CONCERNING ALTERCATION, OR DISPUTATION.

Its Importance.——The Qualities necessary for it.——Coolness.—Speaking to the purpose without bawling.—The Stratagems of Altercation.—What is to be urged, and what omitted.—Practice required.

It may be thought, I ought not to have handled this subject, till I had finished all I had to say upon that of a continued pleading; for, in point of practice, it comes last. But, as it consists wholly in invention, without admitting of any disposition of parts, and without greatly regarding the embellishments of eloquence, or requiring the strength of memory,

memory, or the beauties of delivery; I thought proper, before I entered upon the second of the five parts I have proposed, to treat of altercation in this place, because it entirely depends upon the first. The reason why some writers have wholly omitted it, seems to have been, that they thought it sufficiently comprehended under the other rules of the art. And, indeed, it does consist in attacking and defending, both which we have fully handled. Whatever is proper to be said, as to the probatory part, in a progressive pleading, is necessary in this more short and concise manner of speaking. For, in fact in disputing, we touch upon the same matters that we have handled in pleading, but in the manner of questioning and answering, which I have already explained in the division I laid down upon the head of evidence.

But, as the plan of this work is very extensive, and as an orator cannot be said to be accomplished without this qualification, I shall bestow some pains upon it, because it has in it some peculiarities, that do not come under the other heads, and which, in some causes, may be even decisive in our favour. For it is true, that were a cause turns upon the general quality of an action, whether it was right or wrong, it requires a continued or progressive discourse, which is generally sufficient to explain the definition and the nature of the fact. We may say the same thing of causes where the fact is incontestable, or where they hinge upon conjectural arguments. But causes very often depend upon proofs that are either entirely void of art, or partly artificial, partly natural; and there the heat of the fight must be maintained by disputation, there we must come to close quarters.

For, in disputation, you are to rivet in the mind of the judge all your strongest arguments; you are there

there to make good all you promised in your pleading; you are there to expose every falsehood advanced by your opponent: In short, there is no part of an orator's business that more fixes the attention of a judge than this does. And, indeed, some very indifferent pleaders, by being excellent disputants, have been entitled to great applause at the bar.

Some advocates, however, contented to discharge the showy task of declaiming, go out of court with the applauses of the audience tingling in their ears, and leave all the business of altercation and disputation to dunces of pleaders, and often to mere pettyfoggers* and by-standers. For this reason in private causes, we find certain advocates employed in the pleading, and others in the probatory parts. Now, if we are to distinguish between those two parts, we must admit the latter to be the most necessary, though, to the shame of our courts be it spoken, the least deserving. As a proof of this, in public trials, the crier bawls out the name of the man who is to manage, as well as of him who is to plead the cause; because it is presumed that the former has talents for disputation, by being endowed with the necessary qualifications of quickness and volubility of imagination, with keenness and presence of mind. For, here, you are not to think, but to speak off-hand; and you are to observe the eye and the wrist of your antagonist, in order to plant, or to parry a thrust. Therefore, though

* Orig. Turba pullata.] Some commentators think, that the pettyfoggers obtained this appellation to distinguish them from orators or advocates, who were cloathed in purple. But the last circumstance is not quite clear. Toga pullata was not, as we generally imagine, a black, but a rusty-coloured robe. And, therefore, others think that this expression in general means the crowds that attend on such occasions. I have given both meanings.

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it is, in general, the business of a pleader to be, not only well, but familiarly, acquainted with the nature of the cause he undertakes; so it is more particularly necessary that he who manages a disputation should be thoroughly master of all circumstances relating to persons, instruments, times, and places. Otherwise we are often reduced to be quite dumb, or to stand like ideots, while others wantonly insult us, from an itch of speaking. And thereby it sometimes happens, that we blush at our own ignorance, and we are forced to submit to fools and dunces.* Some take great pains to teaze a speaker into a passion: for you will see some bawling out in a fit of rage, to inform the judge that he is speaking contrary to his instructions, and that there is in his cause some mischief, which he dares not discover.

A good disputant, therefore, never will be in a passion; for, nothing so much discomposes reason, or disconcerts and bewilders a pleading; as it generally forces us both to offer, and to put up with, gross affronts; nay, sometimes the very judges are provoked by the indecencies that escape us. It is much better for a pleader to be modest, nay, sometimes to suffer a good deal. For you are to answer an opponent, not only by refuting him, but by despising, illuding, and ridiculing what he says. Nor does any part of an orator's business require urbanity, or wit, more than this does. A genteel manner† blunts the edge of spite; but where an antagonist is a mere bawler, we are to attack him

* The original here is extremely depraved, but I believe I have hit upon the meaning of my author, as the same case happens daily in all courts.

† Orig. Odium mordet & pudor.] This is a very extraordinary expression; nor, notwithstanding all the pains that Burmar has taken upon it, can I reconcile it to common sense, but by the manner in which I have translated it.

with spirit, and not suffer ourselves to be borne down by impudence. For there are certain hard-mouthed fellows, who are always roaring out, or interrupting a pleader, or disturbing a whole court. But it is not enough, that we do not imitate such brawlers; for it is our duty to chastise them severely and to dash their presumptuous impudence; and we are to call upon the judges, or the president of the court to maintain the regularity of debate, so as that each may speak in his turn. For that which we commonly mistake for modesty is no better than weakness, and indicates a meanness of spirit, and a softness of skull, despicable beyond expression.

Quickness is one of the chief properties of disputation, and is incommunicable by art. But though nature is not to be informed, yet it may be assisted, by art. In this matter our principal business is always to keep our eye upon our main question and purpose. While we do that, we never can deviate into any indecencies of language or behaviour; nor shall we waste the time, to which the hearing of the cause is confined, in railling. And, should our antagonist do it, we can turn it to our own advantage. We seldom can be taken at a nonplus, if we carefully beforehand consider what we are to speak, what our opponent may urge, and how we are to reply.

It is, however, sometimes an artful conduct to conceal some things in a pleading, and produce them all at once in the proof, by way of a sudden sally, or bursting from an ambuscade. This is most properly done, when we can offer somewhat that our antagonist cannot answer off hand, but may obviate, if you give him time for recollection. As to those proofs that are solid and will bear examination, it is always our best way to make the most of them at first, and the more they are insisted upon, the better.

It

It is almost unnecessary to recommend to an orator, never to be turbulent or clamorous in his altercations, which is generally the case with the ignorant. For, though impudence is troublesome to the opposite party, it is, at the same time, hateful to the judge. Add to this, that it hurts a pleader to dispute a matter too long, when he cannot carry it. When we must be worsted, our best course is to submit; because, by fairly yielding up one point, we are the more likely to obtain belief as to others; and though it is the sole point, our candour will soften the censure that is to be inflicted. For to persist in vindicating an offence, especially if we are convicted of it, is an offence of itself. While the victory is doubtful, design and stratagem can do a great deal, by taking advantage of the enemy's oversights, by suffering him to pass as far as he can, nay, sometimes to proclaim his victory.

An orator therefore, is in the right to conceal certain kinds of evidence: for his adversary will thereby be apt to be the more pressing for them, and put the whole of the dispute upon that point, when he thinks he has them not to produce; and, by his calling for them in that importunate manner, he gives them the more weight when they are produced. It may likewise be proper to yield up a point which our adversary may think makes for himself, that while he endeavours to maintain it, he may be forced to give up others that are of greater importance. Sometimes it is of service to make two propositions, and give him his choice of both; and this has a better effect in the altercation, than it has in the pleading, because in the latter we answer ourselves, in the other we convict our adversary, as it were upon his own confession.

An able pleader will carefully observe the expressions that seem most to affect a judge either in his favour

favour or disfavour; and this is most frequently found out in the countenance of the judge, but sometimes by a word, or an action, that escapes him. He is then to repeat whatever he finds is for his purpose, and to steal as softly as possible from whatever he perceives to hurt him. In this he will imitate a good physician, who continues or leaves off to administer medicines, according as the patient retains or loaths them. Sometimes if we find a matter too intricate for us to unravel, we are to introduce another question, and, if possible, to transfer to it the attention of the judge. For when you cannot give a satisfactory answer to a question, what can you do, but find out another question that lays your antagonist under the same difficulty? In most cases as I have already observed, the attention of the judge is to be engaged. This I observed when I treated of evidence, and there is no difference but in the persons; for here the dispute lies between the two pleaders, and there it lay between the pleader and the witness.

Now this is a matter that is easy to be practised; nay, we shall find it of great service to us very often to chuse for our subject somewhat, either real or supposititious, and to dispute it with some person engaged in the same studies, in the same manner as if we were altercating it at the bar. And this may be done in the most simple kind of causes. I would likewise have an advocate to be ignorant in what manner he is to produce his proofs before the judge, in which he is to observe the same order that he did in arguing; that is, to place the strongest in the front and in the rear; for by the first he disposes the judge to believe him, and by the latter to give sentence in his favour.

CHAP.

CHAP. V.

CONCERNING JUDGMENT AND SAGACITY.

HAVING proceeded thus far, to the best of my abilities, I should immediately go on to treat of the disposition of a pleading, which is the next head in order, were I not apprehensive, that some, who think that judgment falls under the head of invention, will imagine I have omitted that subject; which, in my opinion at least, is so interwoven and blended through all the parts of this work, that it is not only inseparable from its sentiments, but from its very words; nor indeed can art communicate it any more than it can communicate either taste or smell. Therefore all I can do upon this head is to point out what an orator ought to practise, and what he ought to avoid, so as to serve to regulate his judgment. The chief rule, after all, is never to attempt impossibilites, and to shun whatever is contradictory or in common to both parties. As to purity and perspicuity, the good sense alone, with which a man is born, can instruct him.

Judgment does not greatly differ from sagacity, only we apply the first to the management of matters that are already evident, and the latter to the discovery of matters that are either obscure, or not found out or doubtful. Now the principles of judgment are very often infallible; but sagacity is deep reasoning, which commonly consists in weighing and comparing circumstances, and implies both invention and judgment at the same time. We are not, however, to imagine that these observations are universally true. For sagacity often determines itself by

a man through the world better than learning can without sagacity. In short it is she that renders every discourse suitable to places, times, and characters. But because it is an extensive subject, and is blended with that of elocution, I shall resume it when I come to lay down rules for propriety of expression.

END OF THE FIRST VOLUME.

Printed by Dewick and Clarke,
Aldersgate-street.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE:

OR,

THE ART OF SPEAKING IN PUBLIC,

IN EVERY CHARACTER AND CAPACITY.

TRANSLATED INTO ENGLISH, AFTER THE BEST LATIN EDITIONS,
WITH NOTES, CRITICAL AND EXPLANATORY,
BY W. GUTHRIE, ESQ.

Quot Officia Oratoris, tot sunt Genera dicendi. CICERO

IN TWO VOLUMES.

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M. FABIUS QUINCTILIANUS

TO

TRYPHO THE BOOKSELLER,

HEALTH.

You have daily importuned me in the most violent manner, to begin to publish my book, concerning the education of an orator, which I addressed to my friend Marcellus. For my own part, I did not think them as yet ripe for publication. You know that though I was engaged in a great deal of other business, I bestowed no more than two years in composing them; and that time was employed less in writing, than in consulting an infinite variety of authors, and in the almost endless toil of searching after materials for finishing the plan I had proposed. Add to this, I was for taking the advice which Horace lays down, in his art of poetry, by keeping this work nine years by me, lest I should publish it too precipitately. This was the reason why I delayed the publication: for I thought that the fondness of an author being by that time abated, when I came to review it, I could examine

examine it with the eye of a critic. But if the demand for it is so great as you say, let us spread our sails to the winds, and wish each other a happy voyage, now that we are weighing anchor. But remember, that a great deal depends upon your care and exactness, in giving this work with all possible correctness to the public.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK VII.

INTRODUCTION.

CONCERNING THE UTILITY OF A PROPER DISPOSITION.

I PRESUME, that I have said enough concerning invention; for I have not only laid down the principles upon which the judgment is formed, but those by which the passions are moved. But as it is not enough for one who undertakes a building to bring together his stones, his materials, and every thing that is proper for carrying it on, unless the whole is disposed of and conducted by the skill of an able architect; so, in the study of eloquence, it is not enough that a large mass of materials be piled and heaped up together, unless disposition shall reduce them into order, and connect them into strong, but graceful, uniformity.

Disposition, therefore, is very justly entitled to be the second of the five divisions I have laid down. A figure, though all its limbs are complete, is not a statue till it is properly placed; and though a man may have every member of his body complete, yet, if the situation of any one of them is otherwise than

nature designed it to be, he must be considered as a monster. A limb, if ever so slightly put out of its place, loses its vigour; and troops, when confused, fall foul of one another. Nay, I agree with those who think that the system of nature is maintained by order, and, were that order broken, the whole of it must rush into confusion.

In like manner, speaking, without an order being observed, is no other than a confused heap of words, floating, like a ship without a steersman, without any determined course. The speaker is guilty of many repetitions, and many omissions, and is no better than a traveller wandering in the night-time in a strange country. For, having marked out neither beginning, progress, nor end, he is guided by chance rather than design.*

The whole of this book, therefore, treats of disposition. And if any certain rules could be laid down to answer all occasions, by far the greatest number of writers would not have been ignorant of it. But, as the number of causes is infinite, and as there never were, nor ever will be, two causes resembling each other in all respects, the pleader is to pry, he is to watch, he is to invent, he is to judge, and he is to ask counsel from his own breast. At the same time, I do not deny that some part of this division admits of rules, and I shall not omit them.

* [Design.] There is somewhat pretty particular in this introduction; for, in the compass of a very few lines, we have no less than seven or eight comparisons, viz. to architecture, statuary, anatomy, mutilations, war, natural philosophy, sailing, and travelling.

CHAP. I.

CHAP. I.

CONCERNING DISPOSITION AND ITS MANNER.

As I have already intimated, division separates complex propositions into single ones; partition, single propositions into parts. Separate order is a certain right placing of propositions, connecting the following with the foregoing. Disposition is the proper distribution of things and parts into their right places. But still we are to remember, that disposition may be varied as the interest of a cause requires; and that, in the same cause, the defendant is not tied up to begin with the same point the prosecutor had begun with. Not to multiply examples, this method is justified by the practice of Demosthenes and Æschines. For the former, in the trial of Ctesiphon, begun his pleading with matters of law, where he thought his strong point lay; but Demosthenes, who spoke for the defendant, before he touched upon any point of law, said all, or almost all, he had to say, and thereby prepared the judges for the matter of law. And, indeed, it is but reasonable that both parties should begin with what points they please; otherwise, the defendant must be tied down to the pleasure of the prosecutor. In short, in recriminations, when each party becomes a defendant, before the one accuses the other, the order of the whole matters between them must necessarily be different.

I shall, therefore, lay before my reader the method of my practice, of which I never have made any mystery, and which is founded partly upon rules, partly upon experience. Now, my first care was, in all the trials I was concerned in, to make myself

thoroughly master of all the points that could come into the controversy. For, in schools, a few stated points, which the Greeks call themes, and Cicero propositions, were explained before the declamation. When I had made these pass, as it were, in review before me, I then set myself to study what could be said on one side of the question, as well as on the other, and that with equal application to both.

To effect this, my first business was (and indeed, though it is no difficult, yet it is an important matter) to settle the point which each party wanted to establish, and the means by which they were to establish it. In this I observed the following method: I first considered what was advanced by the prosecutor. This was either admitted on both sides or controverted. If admitted, it could be no point of debate. I next bestowed the same pains upon the answer of the defendant: and, sometimes it happened, that it was admitted by the prosecutor. Now, the question began at the very first point of their difference. For example: You have killed a man.---I have. Thus far the fact is admitted. I then pass to the defendant, who is to justify the fact. The law, says he, justifies a man in killing an adulterer with the adultress. Admitted. Thus far both parties agree; and then comes the third point, which is to be the matter of dispute between them. They were not adulterers.---They were. Here is the question, the fact comes to be disputed, and the cause is conjectural.

Sometimes even the third point is admitted on both sides, viz. that the parties killed were adulterers; But, replies the accuser, it was unlawful in you to kill them; you was a banished man, you was branded with infamy. Here the matter turns upon a point of law, sometimes the very first charge is denied. You killed the man.---I did not kill him.

Here the controversy is formed. In this manner are we to consider, where the controversy begins, and upon what the first question is founded.

Sometimes the charge is simple. Rabirius killed Saturninus. Sometimes it is complicated. Lucius Varenus has incurred the penalty of the statute against stabbing; for he ought to be condemned for killing Caius Varenus, for wounding Cneius, and likewise for killing Salarius. Thus the propositions are different; and the same observation holds with regard to several causes.

But several questions and states may be formed from a complex proposition. For instance, where a defendant denies one charge, defends another, and destroys a third because the action is not rightly laid. In such cases, the prosecutor ought to be very careful as to the points he is to answer, and the order in which he is to reply. As to the part of the prosecutor, I am much of the same sentiments with Celsus, who follows those of Cicero; but I think he makes too great a point of it, that some very strong argument should be placed in the front of the pleading, and something, if possible, still stronger in the rear; and that all our weakest arguments should take place in the middle; because the judge, in the beginning of a pleading, ought to be touched, and, at the close of it, convinced.

The defendant's advocate, however, ought to begin with the strongest charge against him, lest the judge, being wholly intent upon that, should pay the less regard to all his preceding defences. And yet, sometimes, this order ought not to be observed. For instance, when the slighter charges are evidently false; for, in that case, by destroying them, he destroys all the credit of his prosecutor, and thereby prepossesses the judge against the whole of the charge, when he comes to answer the strongest points.

points. It may, however, be proper, on such occasions, to preface the pleading with some reasons why the main charge is not immediately spoken to, and to promise to speak to it. For this manner removes all suspicion of our being afraid to encounter immediately the main charge.

It is generally proper to begin with clearing a defendant from the crimes imputed to him in any former part of his life, in order to reconcile the judge to the defence which he is to make upon the matter for which he is tried. But Cicero, directed not by the general practice, but by the circumstances of the case, in his pleading for Varenus, delayed this part to the last.

In single charges, we are to consider whether we are to answer by a single proposition, or by several. If by the former, it is, that we may rest our defence upon the fact, or upon the law. If upon the fact, we are to consider whether we are to deny or to justify it. If upon the law, we are then to resolve upon what branch of law we are to proceed, and whether we are to attach ourselves to its words, or its meaning. In this we are determined by examining the nature of the law upon which the prosecution is founded, and upon which judgment is to be pronounced. For, in schools, certain cases are laid down that connect several circumstances in one question. For example, " A father, after exposing his child, comes to know him again;" Whether, in that case, he has not a right to take him home, upon paying for his subsistence? Whether a father has not a right to disinherit an untowardly son? Whether a father has not a right, after taking home a son that has been exposed, to oblige him to marry the daughter of a rich kinsman, though the son wants to marry the daughter of the poor man who brought him up? Here the laws about exposed children are very

very proper for moving the passions, but the laws of disinheriting must determine the question. Meanwhile, a question is not always determined by one law, for one law may clash with another: and this matter must be carefully canvassed before the main question can be settled.

Several defences may be made against the same charge. Thus, in the case of Rabirius, if he had killed the deceased, he would have done right; but he did not kill him. Now, in matters where we have a great deal to offer* against a single proposition, a pleader is first to consider all that can be said upon the subject, and then the manner in which he is to arrange it. Upon this head, I am not for the method which I recommended a little above, and in probative arguments, when I said that we sometimes may begin with our strong proofs. For matters of evidence ought always to grow, by proceeding from the weakest to the strongest proofs, whether they are the same, or of different kinds.

Now, matters of law generally admit of contests upon different points; in matters of fact, one point only is to be established. But let us speak first of those that admit of different points. Of such, we ought always to begin with the weakest. For this reason, sometimes, after we have handled a few of them, we use to put them aside, or bid our opponent make his best of them; for we cannot proceed to others without passing some by: but we are to manage this so as not to seem to condemn them, but to set them aside, because we can carry our cause without them.

One gets a letter of attorney to receive the rents of another man's paternal estate. One consideration, that may be proper, is, whether the person,

* [Offer.] I have been a little explicit upon this head, because the original requires it.

who

who has got this power, is in a capacity to use it? After we have touched upon this point, suppose we give it up, or are forced to give it up. Another point occurs, whether the person, who gives the power, is qualified to give it? Well, we give up that point likewise; and then another question is started, whether the party, who sues, is heir, or sole heir? This likewise is given up; and then comes the main question, whether the debt is really due?

By this method a pleading gathers strength in its progress; whereas he must be a madman, who shall begin by giving up his strongest points and finish with his weakest. Thus, I have known a case like the following brought into a school: "You are not to disinherit the man whom you have adopted; admitting you may disinherit another, you are not to disinherit a brave man, like this; nay, granting you may disinherit a brave man, you are not to do it merely because he does not comply with all your whims. I shall grant you may even do it in that case, yet you are not to do it upon suspicion; and grant that you might do it upon suspicion, it ought to be better grounded than your's is." This is a sample of the difference that prevails in causes that arise in law. In those that turn upon the fact, several questions may tend to establish the same point; and such as do not affect the main question may be given up. A man, for instance, is upon his defence against a charge of theft; "You must prove," says he to his prosecutor, "that you had the goods; you must prove that you lost them; you must prove that you lost them by theft, and you must prove me to be the thief." Now, the first three points may be given up, but we must stick to the last.

It was likewise my practice to retrace the specified fact, upon which a cause generally hinges, back to the original general proposition; and sometimes, even

even in deliberative matters, I have proceeded from the general proposition to the last specified question: for example, Numa deliberates whether he is to accept of the sovereignty offered him by the Romans. Here the general question is, whether he is to be a sovereign? The first specified question is, whether in a foreign state? The next is, whether at Rome? And the last is, whether it is for the advantage of all parties for him to accept of the offer?

In like manner, with regard to matters of controversy. A man, for his public services, demands his neighbour's wife. The last specific question is, whether he has a right to make such a demand? The general question is, whether he ought to be gratified with whatever he demands? And then, whether he can demand her, she belonging to a private person? Whether he can demand her in marriage? Whether he can demand her at all, as being cloathed with a husband? But a matter like this is not to be debated in the same order that it presents itself to us; for the first thing that suggests itself to us, is the last thing that comes in the arrangement of the plea, Thou shalt not covet thy neighbour's wife. Therefore, when we are in a hurry, this arrangement escapes us. We are not to be contented with what immediately presents itself. Let us go a little farther; let us examine whether he has a right to demand even a widow; nay, any thing that is private property; nay, which is the last (and yet the same with the first) consideration, any thing that is unjust.*

My practice was to mark the points in which my opponent and I were agreed, provided they were to my purpose. I then not only pressed him upon his

* I have, with Mr. Rollin, omitted translating a paragraph or two that follows in the original, because, in fact, the reading is not only very depraved, but the sense trifling and useless.

concessions,

Did he kill him through necessity? Then the encounter on one side must have been accidental, and not premeditated. Consequently, one of them must have way-laid the other. Was Milo or Clodius the way-layer? Clodius, to be sure. Thus the chain of circumstances, as they naturally follow one another, guides the pleader to the strong point of his defence.

Farther, it was, or it was not Milo's intention to kill Clodius, when he found the latter had way-laid him. His safest defence is, that it was not. The slaves of Milo, therefore, acted without the orders, without the knowledge, without the presence of their master. Had Cicero rested here, some imputation of backwardness must have stuck to Milo, which would have hurt the credit of his defence, because he maintained it to be a right thing to kill Clodius. He therefore adds, as every one would wish his own servants to act, were he in the like circumstances. This manner is the more useful, because, very often, something must be said, and yet we can say nothing to our own liking. Let us, therefore, survey the whole, and thereby we shall say somewhat that either does the greatest service, or the least disservice, to our cause. Sometimes we may lay hold of our opponent's proposition, for I have already observed, the same propositions may be of equal service to both parties.

Whole volumes have, I know, been written by professors, in examining which party ought to begin first. This is determined by the dreadful inflexibility of formulas,* or by the manner of laying the process, or by lot. This question is of no conse-

* These were particular sets of words, which pleaders were obliged to repeat, and their failing in a single syllable lost them their cause. See Cicero's Character of an Orator, l. 1, where they are finely ridiculed. They afterwards were abolished by the Emperor Justinian.

quence

quence in schools, where both prosecutor and defendant are at liberty, in the same declamations, to lay a charge, to refute it, and to reply to that refutation. There are, however, many causes, where it is very difficult to find out which party has a right to speak first; as for instance, the following: A man has three sons, one an orator, another a philosopher, and the third a physician; and he leaves by his will a fourth part of his estate to each, with a direction that the remaining fourth should go to that son who was of most service to his country. The sons go to law, and though the proposition of the question is very clear, yet it is not clear who has a right to speak first. For each advocate will be for taking the preference for his client. Thus far I have thought fit to speak in general concerning division.

But how are we to find out questions that are more knotty and less common? My answer is, by the same means that we apply sentences, expressions, figures, and descriptions, by our genius, our application, and practice. Scarcely do they ever escape any man of the least attention, if he takes nature for his guide. But most people, smitten with an itch of reputation in eloquence at the bar, take up with the most showy, but least serviceable, qualities; while others, without taste or judgment, throw out whatever comes uppermost. To illustrate what I now say, I will give my reader a sketch of a school exercise, which is far from being either new or difficult. The law says, "that a son who does not appear with his father, when the latter is tried for treason, is to be disinherited. Every man condemned for treason is to be sent into banishment, with his advocate. A man who had two sons, one of them eloquent, and the other illiterate, was tried for treason, and the former attended him as his advocate,

cate, but the latter did not: being condemned, he was, with his advocate, sent into exile. The illiterate son, for his public services, obtained, by way of reward, the repeal of the sentence against his father and brother. The father, being thus returned, died intestate; the illiterate son claims part of his estate, but the eloquent son claims the whole."

Here those eloquent gentlemen, who pity us for the pains we take about causes that seldom or never happen, will instantly lay hold of the favourable characters; they will plead for the illiterate against the eloquent son; for the brave man, against the milksop; for the son who has restored the family, against him who never had served it; for him who offered to be contented with a part of his father's fortune, against him who would seize the whole of it. All these are material considerations, and greatly to the purpose, but they are far from being decisive. In such a pleading as this, the present practice is to ramble after rumbling, puzzling expressions, for in modern times, tumult and clamour at the bar take place of beauty and eloquence.

Others, who have more sober sense, but take up with whatever first presents itself, will see the following considerations floating, as it were, upon the surface of the cause; "That the illiterate son was excusable for not attending his father upon his trial, because he could have done him no service, if he had; nay, that the eloquent son himself had not a great deal to boast of, since his father was condemned; that the restorer of the family was more worthy of the inheritance, than a fellow who was covetous, ungrateful, and unnatural; one who refused to give any thing to his brother, who had so well deserved his share of the estate." They will likewise observe that the first point depends upon the words, and the

intention of the law, without settling which, every thing that can be said must go for nothing.

But the man who follows nature will immediately see, that the first plea the illiterate son has to offer, is, "My father, who died without a will, left two sons; and I, as one of them, claim, by the law of nations, part of his estate." Is there a man so void of sense and learning, as not to enter his plea in that manner, even supposing him to be ignorant what a proposition is? He will run out a little in commending the justice of that law of succession, which is established in all countries. Well, let us now consider what may be offered against a demand that appears to be so well founded. Nothing can be more clear than that the law says, "that the man who does not appear as an advocate for his father, when he is tried for treason, is to be disinherited: and you, the illiterate son, did not appear, when your father was in that situation." This is the proposition, and it necessarily introduces a flourish in praise of the law, and a reproach to the absenting son.

Hitherto the propositions of both parties are undeniable, when separately considered. Let us, therefore, return to the claimant. If he is not void of common sense, his first reflection will be, If this law stands in my way, there can be no process, and I can have no plea. Now that there is such a law, and that the illiterate son incurred the penalties of it, is past all doubt. What then is he to plead next? I am a plain man, says he, and I lived in the country. But the law makes no distinction of persons, therefore that plea can avail you nothing. Let us, therefore, try whether this law has not a weak side, where we may attack it. Nature (I cannot too often repeat it) ought still to be our guide, and nature directs us to have recourse to the intention of a law, when the letter of it is against us. A general consideration

sideration arises, whether, in this case, the letter or the intention of the law is to decide. But if we keep to general terms, we may be eternally disputing upon this point without ever coming to any determination; let us, therefore, find out in this case some speciality, that sets aside the letter of the law. Then you say, The son, who does not appear, is to be disinherited. Every son, without exception? Now, we can scarcely avoid urging the following arguments. "Supposing a son is an infant, or sick in bed, or abroad, or in the army, or upon an embassy; is he under such circumstances to be disinherited, if he does not appear? surely not." Here is a great point gained, if we can but establish the possibility of a son's succeeding to his father, though he did not attend him on his trial.

Now, let us shift the flute, as Cicero says, from one hand to the other, and consider what the man of eloquence has to urge. Admit, says he, that some exceptions may lie to the letter of the law, yet your case is not one of them; you was not in your infancy, you was not ill in bed, abroad, or in the army, or upon an embassy. The other still recurs to his first defence: I am, says he, a plain man. The orator naturally rejoins, It was not required of you to plead for your father, but to appear with him. This is fact. Well; then the plain man's next recourse is, to the meaning of the law: The law, says he, was meant to punish unnaturality in a son, but I am no unnatural son. You was unnatural, replies the other, when you incurred the penalties of this law, though, either through remorse or ambition, you demanded the repeal of our banishment. Besides, it was by you my father was condemned; your not appearing determined the judges against him.

To this the plain man may reply, You, sir, was the cause of my father's condemnation; you had disobliged

obliged a great many people; you had contracted many family quarrels. But these are allegations only; as is another plea, which the plain man might urge, That the father was unwilling to expose all his family to his danger. Such are the contents of the first question, as arising from the letter and meaning of the law.

Let us stretch our inquiries farther, and let us examine whether, and in what manner, another method may not be found out. Here I am careful to imitate a real examination; for I want to instruct how to search things out; and, dropping all ornament of language, I suit myself to the instruction of my pupils. Hitherto we have drawn all our arguments from the person of the claimant; but why are we not to examine concerning the father? Says the law, Whoever does not appear as advocate for his father, let him be disinherited. Why are we not here to examine whether the law does not admit of exceptions? This we often do in cases where sons are prosecuted for not supporting their fathers. For, we inquire whether the father has not given evidence against his sons in a court of justice? Whether he had not sold his son to prostitution? Now, what are we to inquire concerning the father in question here? He was condemned. Does the law, then, relate only to fathers who are acquitted? This, at first sight, is a knotty suggestion. However, let us do our best. The meaning of the law, probably, was to prevent parents from being deprived, if innocent, of the assistance of their children. But this makes against the illiterate son, for he admits that his father was innocent. The question furnishes another argument. He who is condemned for treason shall be sent, with his advocate, into banishment. Now, it is unreasonable to suppose that the law intended to inflict the same punishment, if the son did ap-

pear, as if he did not appear. Besides, exiles have no benefit of the law. Therefore, it is not probable that this law was meant to affect the son who did not appear for his father, if condemned. Now, in both cases, the illiterate son makes it doubtful, whether, being an exile, he could have possessed any property.

In opposition to this, the eloquent son will urge the letter of the law, which admits of no exception, because the very meaning of it was to punish sons who do not appear for their fathers, through fear of being sent into exile; and he affirms that his brother did not appear for his innocent father. Here it is proper to observe, that two general questions may arise out of one state of a case. If the obligation lies upon every son? And, If the right belongs to every father.

Hitherto we have only discussed the right of two persons; for as to the third, the defendant, no question can arise, because there is no dispute about admitting him to his part of the estate. Let us, however, attend; for all this might have been said, even though the father had remained in exile. Nor are we immediately to take up with our first obvious suggestion, that the father was restored by the illiterate son. If this point is carefully examined, we shall find it but an introduction to others; for, as the species follows the kind, so the kind goes before the species.

Supposing, therefore, the father had been restored by any other person; there then arises a disputable point, whether his being restored did not repeal the sentence, and had the effect of putting him in the same situation, as if no sentence had been pronounced against him. Here the claimant may allege, that, being entitled to make only one demand, he could not have obtained the recall of his father and brother at the same time, had not the father's recall implied that he was to be considered as a man who never had been

en tried, and that this circumstance remitted all
ɛ penalty of exile to the brother who had appeared;
d the supposition of there having been no trial,
pposes that the brother, who did appear, never did
pear. Now, we come to our first suggestion, that
ɛ father was recalled by the illiterate son. Here
ain we may reason, whether by this recall, the son
not to be considered as an advocate, because he
rformed what the advocate only endeavoured to
rform; and it is fair to give for an equivalent, what
more that an equivalent.

What remains is matter of equity, which plea is
ɛ most just. This too admits of a division. Sup-
sing each claimed the whole; or, supposing the
ıe to be as it is, that the one claims only his share,
d the other the whole; when this matter is dis-
ssed, the memory of the father will be of great
portance to the judges, especially in a cause that is
settle the succession to his estate. A conjectural
estion will here arise, What could the father's in-
ıtion be in dying intestate? But this belongs to
ɛ quality or character of the action, which forms
ɔther state.

Now, most orators chuse to reserve the equity of
ɛir cause to the close of their pleading, because
ɛre is nothing the judges hear with more pleasure.
ıe interest, however, of a client may require that
ɛthod to be altered. For, if a plea is weak in point
law, the pleader, in order to prepare the judge,
ght to begin with equity. I have nothing to add
on this head in general. I shall now proceed to
ɛ several parts of judicial causes; but, as I cannot
nutely specify them through every case or question
ıt may arise, I shall keep to generals, but so, as
handle the points that most commonly arise in
ɔh: and, as the first question naturally is, Whether
hing is so? I will begin with that.

CHAP. II.

CHAP. II.

CONCERNING CONJECTURE.

All conjecture relates either to a thing, or an intention: and both admit of three times, the past, the present, and the future. With regard to things, the questions are either general, or particular; the latter are contained in certain circumstances, and the former are not contained. As to the intention, there can be no question concerning it, unless where there is a party, and where the fact is admitted. With regard to things, therefore, we examine either what has been done, or what is doing, or what will be done. To give examples of these three in general questions: "Whether the world was formed by a fortuitous concourse of atoms? Whether it is governed by providence? Whether it will have an end?" Examples of particular questions are, "Whether Roscius murdered his father? Whether Manlius aspired to sovereignty? Whether Cæcilius had a right to impeach Verres?"

Trials turn upon the time that is past; for a man can be tried only for what he has done. As to what is doing, or may hereafter happen, we can form no judgment, but from past circumstances. We may likewise try to find the original of a thing. Of pestilence, for example, "Whether it arises from the anger of the Gods, the distemperature of the air, the corruption of waters, or the noxious exhalations of the earth?" We likewise may investigate the motive of an action; the motive, for instance, that induced fifty kings to sail to Troy. "Whether they were obliged by their oath, or impelled by example? Or, Whether they did it out of respect to the family of Atreus?" These two kinds are pretty much the same.

With

With regard to the present time, if it does not require proofs from certain antecedent circumstances, but is to be adjudged by our eye-sight, there is no room for trial; because we are at a certainty. Thus, it would have been absurd in the Lacedæmonians to have debated, "Whether the Athenians were surrounding their city with a wall?" But there is a kind of conjecture, which does not seem to come under this head; I mean, when we are in doubt, as to the identity of a man's person. Thus, in the dispute amongst the heirs of Urbinia, a doubt arose, whether the person who, as her son, demanded her estate, was really Clusinius Figulus, or Sosipater. Now, there could be no question as to the existence of a person, because one was before their eyes; as we do not examine what exists beyond the ocean, or what its qualities are, but whether any thing exists at all. Meanwhile, this kind of trial depends upon what is past. For, in fact, the question is, Whether this man is the identical Clusinius Figulus, who was born of Urbinia? Even in my time (and I have been concerned in some of them) several causes of this kind have been tried.

Conjectures upon the intention, undoubtedly, may comprehend all the three times. "What was the intention of Ligarius when he went to Africa? With what intention does Pyrrhus solicit this peace? How will Cæsar proceed, if Ptolemy shall put Pompey to death?" By conjectural reasoning we likewise examine into quantities and qualities; by which I mean, the accidents of manner, appearance, and number: "Whether the sun is greater than the earth? Whether the moon is globular, or flat, or sharp? Whether there is but one world, or several?" We may say the same thing with regard to questions that do not depend upon physical reasoning: "Whether the Trojan or Peloponnesian war was the most considerable?

considerable? What were the properties of the shield of Achilles? Was there but one Hercules?"

Now, in those causes which consist of an impeachment and a defence, the conjecture runs upon a fact, and the author of it. Sometimes both considerations are connected, and both denied. Sometimes they re separate: "Whether the fact did, or did not, happen?" And, if the fact is admitted, "Who was the author of it?" The fact itself sometimes gives rise to a single question: "Whether the man is dead?" sometimes to a double one: "Whether he died by poison, or a bad habit of body?" There is another kind which rests upon the fact only, and where, if that is ascertained, there can be no doubt as to the author. There is a third kind that relates to the author only, when the fact is admitted by both parties, and the dispute turns, who was the author of it. But, this last is not a simple conjecture; for the impeached does no more than barely deny the fact, or he throws it upon another. Now, we transfer facts in several forms. Sometimes it is done by way of recrimination, or by each party accusing the other. Sometimes it is thrown upon some person who is not tried for it, and who is sometimes pitched upon, and sometimes not. The person pitched upon is either one who is out of the question, or the deceased, who is alleged to have put himself to death. And here, as in cases of recrimination, follows a comparison of causes, persons, and things. Examples of which we see in Cicero's Pleading for Varenus, where he transfers a charge upon the slaves of Ancharis: and in his pleading for Scaurus, where he throws the imputation of the death of Bostaris upon his own mother.

There is a kind of comparison of a quite different nature from what I have now mentioned, in which both parties claim the glory of an action; and another,

nother, in which there is no jarring as to persons, ut as to facts. I mean, where there is no dispute to the party who committed the fact, but whether ie fact is of this or of that quality. When both the ct and its author are admitted on all hands, the ntention may next be examined. But I shall now roceed to particulars.

When the charge, both as to the fact and the uthor, is denied, it is done in this manner. I have ot committed adultery. I have not aspired to overeignty. In cases of bloodshed and poisoning, is common to say, The thing did not happen: nd if it did, it did not happen through me. But the robatory part lies upon the impeacher only, when ie defendant calls for proof of the party being dead. ll the business of the defendant, in such a case, to throw out certain hints, and to scatter them as ffectually as he can; because, if he rests his charge on that single defence, and does not make it good, e is in danger of being condemned. For, when e judges examine what is said on both sides, they esume one of them to be right; and, by sheltering nselves behind one decisive point, we give an adersary leave to press us, as much as he pleases, upon e others.

When a cause turns upon the ambiguous symptoms indigestion and poison, there is no third defence, nd therefore each party must maintain his allegaon. Now, sometimes we reason from the thing elf: Was it poison or indigestion? without any nsideration of the person of either party. For, it ay be of importance to know, whether the deceased fore his death had been at a debauch, or was melancholy; whether he had been toiling, or reposing; atching, or sleeping. His age, likewise, is of imrtance; and it is proper to know whether he died ddenly, or whether he wasted away through long indisposition.

indisposition. A larger field of disputation will open for both parties, if the question turns upon the suddenness of the death alone. Sometimes the proof of a fact may be sought from the person of a party: It is probable that the deceased died of poison, because the defendant was a person very likely to have given it. The reverse obtains in making the defence.

But, when both the person and the fact is in question, the natural order is, for the prosecutor first to establish the proof of the fact, and then to fix it upon the defendant. If the proofs against the person are various, this order may be altered. As to the defendant, the most eligible defence for him is, to deny the fact; and, if he succeeds in this, he has no occasion to say any thing farther. If he does not, he must have recourse to other arguments.

In cases, likewise, where the whole dispute turns upon the fact, and, when that is proved, there can be no question as to the author, proofs are drawn both from the person and from the thing; but all with regard to the single question of the fact. I shall here give a familiar example of what I am saying, as being best adapted to the use of the students. "A person, who had been disinherited by his father, followed the study of medicine; the father happened to fall sick, and was given over by all the physicians, excepting the son, who said he could cure him, if he would take a draught which he had prepared for him. The father took the draught from the son, drank part of it, and said he was poisoned; upon which, the son drank what remained. The father dying, the son was accused of parricide." There is here no dispute that the son administered the draught; therefore there can be no question as to the author; the only question is, Whether the draught was poisonous? and that must be decided by proofs arising from the person of the defendant.

A third

A third kind of conjectural causes is, when the fact is admitted, but the author uncertain. As cases of that sort happen every day, it is needless to give any particular instance. For we daily know that murder and sacrilege is committed, and the parties tried for them deny that they were guilty. This may give rise to recrimination; and two parties may charge one another upon a fact, the reality of which is admitted by both. Celsus (and I believe nobody disputes it) tells us, that causes in that shape cannot be tried in the Forum. One party must be tried upon one impeachment, and, if he impeaches another, there must be another trial. Apollodorus says, that this method of recrimination contains two matters of accusation; and, in fact, the practice of our courts allows of two pleas. Causes of this kind, however, may come under the cognizance of the senate, or the sovereign. But with regard to the common course of trials, it is of no importance whether sentence be given at once upon both charges, or upon each apart.

But in such cases, each party is always to begin with his own defence; first, because we naturally seek to ensure our own safety, before we attack that of another. In the next place, if we first clear our own innocence, we can urge our charge with the more weight. Lastly, the cause thereby becomes twofold. I did not kill him is the defence: You killed him is the charge. But if I first urge, You killed him, it is needless for me to show, that I did not kill him.

These causes consist wholly of comparisons, and various are the methods of comparing. For we either compare the whole of our cause, with that of our adversary; or we compare proof with proof, and presumption with presumption. But, which method is best, can be determined only by the nature of the cause.

Thus Cicero, in his defence of Varenus, thought it for his client's interest, to compare his proofs singly, while he was speaking to the first head of the impeachment. And, indeed, upon the whole, to compare proof with proof, is generally the best method, if it can be done. But if we find it not for our advantage to retail them in that manner, we are to do it in general. In recriminating cases, or where the party denies a charge, but without impeaching his antagonist (as in the case of Roscius, who turned the charge against him upon his accusers, though he did not prosecute them), or where the fact is alleged to be committed by the deceased's own hand; all such cases, I say, are managed in the same manner as those of recrimination, by comparing together the arguments of both parties.

But the case I last mentioned is very often handled, not only in the schools, but even at the bar. For Nævius Apronianus was tried upon the single question, Whether he broke his wife's neck, or she broke it herself? This was the first pleading I ever published; and, I own, I was prevailed upon to publish it from youthful vanity. As to the other pleadings, published under my name, they are all of them corrupted through the carelessness of those who took them down for the benefit of the copyists, so that there is in them very little that is mine.

There is another double conjecture, which is handled pretty much in the same manner, and relates to recompenses, as in the following case: "A tyrant suspecting himself to be poisoned by his physician, put him to the rack, and upon his denying the charge, called in another physician, who told him he had been poisoned, but that he could give him an antidote. Upon the tyrant's drinking the antidote, he died. Both physicians claim the reward for having killed the tyrant." Now, as in the former cases,

ases, each party endeavours to fix the charge upon
he other; so, in this case, each party endeavours to
xtract from the other, by comparing persons, causes,
eans, times, instruments, and evidences.

The other kind, though it is not recrimination, is
anded in the same manner; I mean, that in which
o person is accused; but all the question is, Which
arty committed the fact? For each party has his
wn manner of setting forth the fact; as in the case
f Urbinius's heritage, the advocate for the claimant
aid, "That Clusinius Figula, the son of Urbinia,
nding the army, where he served, defeated, fled
om the field of battle; and after various adventures,
nd being kept captive by a king, he found means to
eturn to Italy and his native country, where he was
nown to be the person he pretended to be." Pollio,
who was advocate for the other party, urged in his
rn, "That this pretended Figulus had served two
asters at Pisaurum, and had practised medicine;
hat being set free, he had entered into another com-
any of slaves, and had been bought in consequence
f his own request, to serve with them." Does not
he whole of this action consist in a comparison of
he circumstances alleged by each party, and does
not contain two different conjectures? Now, in
uch cases, whether criminal or civil, both parties pro-
eed in the same manner.

Conjecture is determined by what is past, and
ertain persons, causes, and designs. For the order is,
Whether a person meant to do a thing, could do
, or has done it? Our first point, therefore, is to ex-
mine carefully the nature of the question. It is the
usiness of an accuser to urge his charge in such a
anner, as that it shall not only appear scandalous,
ut be suited, as much as is possible, to the crime that
s tried. For if he should reproach a person accused
f murder, with being lascivious and lewd, the impu-

tation will indeed hurt him, but the charge will not thereby obtain so much credit, as it would, were the accused person shown to be audacious, passionate, cruel, presumptuous, and rash. The business of an advocate for the defendant is, by all means, either to deny, to defend, or to soften reproaches. He is then to separate them from the fact that is to be tried. For such reproaches have generally no relation to the charge; nay, they actually sometimes destroy it. Thus, were we to reproach a thief with being a prodigal, careless fellow, there seems some inconsistency between the charge and the reproaches. Where we have no opportunity of showing this, the accused party may have recourse in saying, that those imputations have no relation to the affair in question; and that though a man may be wrong in one respect, yet he is not therefore to be presumed to be wrong in all; and that his accusers never would venture to have loaded him with so many false imputations, but from the hopes of prepossessing the court so strongly against him, that he must fall under the weight of slander.

Certain accusations give rise to personal, and sometimes to general, observations. It is improbable that a father should murder his son, or a wife her husband, or that a general should betray his country to his enemies. But, it may be said in reply, that some people are capable of all crimes, as daily experience proves by their being detected, and that it is absurd to defend a crime upon no other principle but its being over and above atrocious. Sometimes the argument is particular, and this is managed in different manners; for a party's dignity, while it is his guard against his being suspected of a charge, may sometimes be turned so as to help to fix the imputation upon him, by alleging, that, in it, he placed his hopes of impunity. The like different

arguments

arguments may arise from defences founded upon poverty, meanness, and wealth; and each party avails himself of them according to his abilities. But the moral virtues, and integrity of conduct through life, have always great influence in a party's favour. If nothing particular is urged against the accused, his advocate ought to make the best he can of that circumstance.

With regard to the prosecutor, he will confine his pleading entirely to the proof of the fact or question that is tried; he will observe that all wickedness has a beginning, and that we know of no sanction that is allowed to the commission of a first crime. Thus much by way of reply; but in his first pleading he will manage matters so, that he will seem rather to be unwilling than unable to urge any thing that may bear too hard upon the accused. He will chuse to avoid all reflections upon his past life, rather than urge against him what is invidious, or frivolous, or palpably false; because such allegations destroy all the credit of the rest of his pleading. An orator, who avoids personalties, may seem to do it, because they are not very material to his cause; but heaping up trifling charges implies a justification of the party's former life, because he chuses, rather than be silent, to let his cause suffer. The other circumstances that are personal, have been explained in the chapter concerning arguments.

The next kind of proof arises from causes themselves, and consists chiefly of passion, hatred, fear, avarice, and hopes; for all others are but subdivisions of those. If any of them is applicable to the defendant, the prosecutor is to take care to manage so as to show how every particular operated in the case he speaks to; and he is to argue upon them so as to exaggerate every circumstance. If none of them are applicable, he is to allege that there may be

be motives, though they do not appear; or that the motives are immaterial, when the fact can be proved; or he may even say, that the atrocity of the fact is exaggerated, by its having been wantonly committed, and without any motive. As to the advocate for the defendant, he will insist upon it, as long as he can, that it is absurd to imagine, that a man can be guilty of a crime, without any motive for it. Cicero does this very strenuously in many of his orations, especially in that for Varenus, who is loaded with all kinds of imputations: and so was condemned.

But, should the accuser assign a motive for the commission of the fact, the defendant is to allege, that that motive is either false or frivolous, or such as must have been unknown to him. Now some motives, though alleged, may be such as the defendant must be a stranger to; for instance, That the deceased was about to make him his heir, or that the deceased was about to impeach him. Should all other defences fail, he may say, That motives, even though proved, ought seldom to have much weight with a court: that no man alive is entirely void of fear, hatred, or hopes; and yet those passions do not make villains of them. He may observe farther, That every motive is not prevalent with every person. Poverty, for instance, may be a motive for one man's committing a theft, but it makes no impression upon a Curius or a Fabritius.

There is some doubt whether a pleading ought to begin with the cause, or the person. And the practice of orators have been different in this respect. for Cicero generally begins with the cause. For my own part, if there is no peculiarity in the question to determine it otherwise, I think it most natural to begin with the person. For the following is the most general and proper division of a pleading. "This charge can be scarcely believed of any man, far less

of

f the defendant." But in this, as in most other cases, ve must be determined by the utility of the cause.

We are sometimes to look for accidental and erroneous, as well as wilful, motives, for the commission f a fact, such as drunkenness and ignorance. For hough these two motives soften a charge when the uality alone of it is regarded, so they aggravate it in he conjectural part. Besides, I know not if it ever appened in a trial before a court of justice, that either party spoke of the person. Whereas, it ften happens, that neither party mentions the motives; as in cases of adultery and theft, which carry heir motives upon the face of the charge.

A pleader is next to examine the purpose, for which a fact is committed; and this opens a large ield. For example: "Whether it is most probable hat the defendant was in hopes that he would be ble to effect the villainy, or to be concealed after e had effected it? Whether he did not expect, even hough he was tried for it, to be acquitted, or to be ensured with a very slight punishment, or to put it ff to a long day?" Or, "Whether he was not to eap more benefit by the commission, than the omission, of the act?" Or, "Whether he was so determined upon it, that he resolved to run all hazards?" le will next examine, "Whether the fact could have een committed at another time, or in another manner, more easily, or more securely?" as Cicero does n his pleading for Milo, when he enumerates the many occasions in which he might have killed Clodius with impunity. He will likewise inquire "Why he chose to do it in that place, at that time, nd in that manner?" All which, too, is handled by Cicero with great accuracy, in the same pleading. t is likewise to be considered, "Whether, induced y no reason, he was not impelled by a fit of assion, when reflection had left him? For, as

the

the proverb says, guilt blinds the reason. Whether he was not enticed to it by the habits of villainy?"

Having discussed the first point, with regard to the defendant's intention, we are next to examine the means or power he had to commit the act. Here, the proofs arise from time and place, "Whether the place where the theft was committed was close or open? Whether it was solitary or frequented? At what time it was committed, in the day-time, where many might have seen it; or in the night-time, which makes the proof the more difficult?" Now, was one to examine all difficulties and opportunities, they are so infinite, that they require no examples. But this second point is of such a nature, that if the impeacher does not make it good, the prosecution must drop. But if the power is proved, the next consideration is, "Whether he carried it into actual execution? But these proofs likewise relate to the conjectural intention, by which we gather, whether the party designed to commit the fact. Therefore we ought to examine the means, as Cicero does when he examines the equipages of Clodius and of Milo.

The question, Whether the party did commit the fact? relates to the then present time, and the time immediately succeeding it, when the sound, the shrieks, the groans, the skulking, and the like, happened. To these we are to add the indications, or signs, of which we have already treated; with the words and actions, that immediately preceded or followed, and which must have proceeded either from ourselves or from others. But words, either more or less, hurt our cause. Our own words hurt it more, and serve it less, than those of others do; the the words of others do it more service, and hurt it less than our own. As to actions, our own are sometimes more serviceable to us, and sometimes those

those of others are: for instance, when the opposite party does any thing that makes for us. But our own actions always hurt us more than other mens' can.

Expressions are either plain or doubtful. Doubtful expressions, whether they come from ourselves or from others, are of the least service to either party: but generally our own hurt us most. Thus, "When a son was asked where his father was, he answered, Wherever he is, he is alive. But soon after, he was found dead in a well." Doubtful expressions, coming from other people, never hurt us, unless the author of them is either unknown or dead. "A voice* was heard in the night-time," Beware of the tyrannicide. "And the question being put to the prisoner, who was meant by that expression, he answered, that is nothing to you." For if the person who speaks the words is alive, and can be examined upon them, he can explain them. Now, with regard to our own doubtful expressions and actions, we can defend them only by explaining their meaning; but there are various methods to attack those of others.

Hitherto, I have spoken only of one kind of conjectural causes; but somewhat or other that I have said upon them, is applicable to all the other kinds. For in all trials upon deposits, thefts, debts, and the

* [Orig.] Nocte audita est vox, cavete tyrannicidam & interrogatus, cujus veneno moreretur, respondit. Non expedit tibi scire. The words of this example are as obscure as the meaning of it, which I can scarcely think was the author's intention. The obvious sense is, "That a tyrant being poisoned, called out in the night-time to his attendants, Beware of the poisoner. They asking him who the poisoner was, he answered, that is nothing to you." The Abbe Gedoyn seems to have understood it in this manner. But upon nearer inspection, I think the words, cujus veneno moreretur, must be understood to have an antecedent, ille or vir; and consequently are not to be understood interrogatively, and I have translated it in that sense. There may be a false reading in the word moreretur.

like, the proofs must arise from the means and the person; "Whether such a thing was actually deposited; or whether it is probable that such a person trusted or lent it to such another person? Whether the plantiff is not a troublesome sort of a person, and whether the defendant is not a sharper and a rogue." Nay, in trials of theft, the question turns (as in those of bloodshed) upon the fact and its author. In trials upon loans and deposits, two questions arise, which are seldom or never joined, whether the subject was actually entrusted? And whether it was not returned?

Trials of adultery are peculiarly circumstanced, because two people are generally tried, and the pleading must turn upon their lives and characters, though a doubt may arise, whether both are to be defended at the same time. But this can be determined only by the nature of the cause. For, if the one party's character or conduct can be serviceable to that of the other, I am for joining them together; if not, I am for separating them. It is not without reason I have said, that two people are generally tried, for that does not always happen; for the woman alone may be tried for adultery with an unknown person. Presents are found in her possession, and money, of which she can give no account, and love-letters with no address. The same thing may happen in matters of forgery; for either one, or more, must be charged with it. Now, the writer of an instrument ought always to answer for the subscription, but the subscriber cannot always answer for the writing, because he possibly may be imposed upon; but the person who produces the instrument, and in whose favour it was drawn up and signed, is obliged to justify both the writing and the subscription. The same methods of proof take place in all causes of treason, and an undue ambition after sovereignty.

But

But the practice of declaimers may hurt us in real pleadings, because they injudiciously presume every circumstance, that is not in their theme, to be in their favour. You accuse me of adultery. What evidence, what presumption, have you? What did I say? Who was the pimp?—You accuse me of poisoning. Where did I buy the poison? From whom? At what time? At what price? By whom did I administer it?—I am accused of aspiring to sovereignty. Where are the arms, where are the guards, I have prepared? Yet I am far from denying, that these considerations, properly urged, may be of great service to a cause, for I have myself called for such proofs at the bar, when I have found my opponent puzzled to make them good. The judicious use of them is every thing; for there scarce can be a cause in which we may not avail ourselves of some adventitious circumstance; in like manner as at the close of a pleading, I have known the friends of the defendant equip him with children, a father, nurses, and all the other implements for moving compassion.*

As to intention, I have said enough upon it, when I laid down the division of the will, the power, and the execution. For the intention is discovered by the will, and both are tried in the same manner, that is, whether the party willed, or intended, to do a wicked action. There is, likewise, in things, a certain natural order, which gives either credit, or discredit, to the intention, by the fitness, or repugnancy, of circumstances. But all this depends upon the texture of the cause. It is, however, proper, in every cause, to inquire into the connections and fitness of circumstances.

* No part of this paragraph has been taken notice of, or been translated by the Abbe Gedoyn. The original seems indeed to be very depraved. But in this, as in many other places, the author's meaning may be found out though the reading cannot be justified.

CHAP. III.

CHAP. III.

CONCERNING THE DEFINITION, OR QUALITY, OF A THING.

DEFINITION follows conjecture; for, where a man cannot absolutely deny every circumstance, the next thing he has to do is, to say that what he did does not amount to what is charged against him. Definition, therefore, is conducted by the same rules as conjecture; only the nature of the defence is changed. Thus, in trials of thefts, deposits, and adultery, the defendant, in the conjectural state of the question, says, "I did not commit adultery: I did not receive the deposit: I am not guilty of adultery." So, when he depends upon conjecture, he says, "My action was not theft: what I received was not a deposit: what I did is not adultery." Sometimes we proceed from the quality to the definition, as in trials of lunacy, mal-treatment of a wife, or treason. In such trials, where the actions of a party are not to be justified, our next recourse is, to say that such an action does not amount to lunacy, to mal-treatment, or to treason.

A definition, therefore, consists in expressing the nature of a thing in question, with propriety, perspicuity, and conciseness. As I have already observed, it contains a kind, a species, differences, and properties. Thus, if we were to define a horse (for I chuse a familiar example), an animal is the kind, mortal is the species; but a man is mortal, therefore irrational is the difference, and neighing is the property. Definition takes place in most causes. For sometimes we are agreed upon the term, but differ as to the subject. Sometimes the subject is clear, but the term is contested.

When

When the doubt turns upon the subject, we sometimes proceed by way of conjecture; as when we inquire, What is God? Now, they who deny that God is a spirit, diffused through all parts of the universe, do not say, that the term God is an improper appellation of the Divine Being; for Epicurus gives God a human form, and places him in a space between the worlds: both of them use the same term, though their sentiments are very different; but the conjecture turns upon the subject.

Sometimes we examine the quality, as when we examine whether rhetoric is the power of persuading, or the knowledge of speaking well. This kind often occurs in trials. For we have occasion sometimes to examine, "Whether a man caught in a brothel with another man's wife is an adulterer." For here can be no doubt of the term, but whether the quality of the fact amounts to that degree of guilt, for if it does, we must find him to be an adulterer.

There is a different kind of definition, when the controverted point consists in a term, the meaning of which depends upon a law, and which could not come to be tried was it not for the terms that give rise to the controversy. For example, "Whether the person who kills himself is a homicide? Whether he who forces a tyrant to destroy himself is a tyrannicide? Whether the incantations of magicians are poisons?" All the acts here are plain. For every body knows, it is not the same thing for a man to kill himself, as to kill another; to kill a tyrant, and to force him to destroy himself; to pronounce incantations, and to administer a deadly draught: and yet, the doubt is, whether they do not come under the same denomination.

Cicero, after many authorities, says, that a definition turns upon a thing that is alleged to be so, and

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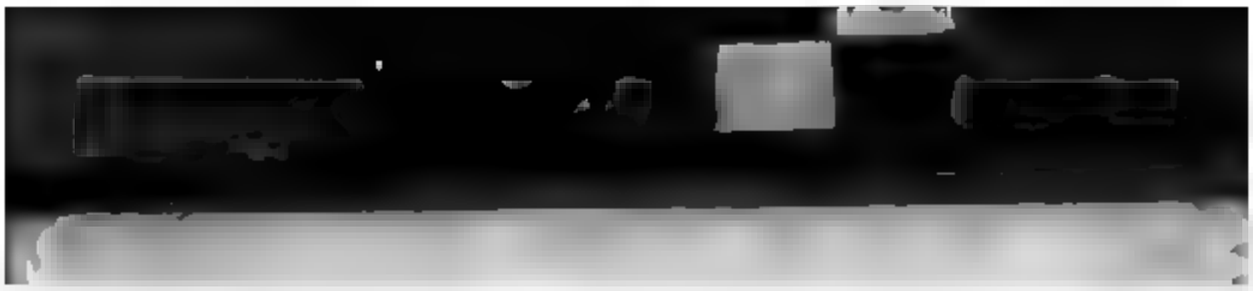
at the same time alleged not to be so. For when a man denies that a definition is just, he ought to establish what is just. But, with due deference to his great authority, I think there are three sorts of definition. For example, we may define it to be adultery for a man to keep company with another man's wife in a brothel. But if this is denied, there is no occasion for the person who denies it to define what it is, because the whole charge is denied. Sometimes we may inquire whether an action is theft or sacrilege. Here, it is not sufficient to deny it to be sacrilege, for if it is not sacrilege, we must define it to be theft. And therefore we must define both charges. Sometimes the question turns upon things that have quite different appearances, whether they fall under the same term, though each has a term appropriated to itself. For example, a love-potion, and poison.

Now, in all disputes of this kind, we inquire whether a thing falls under a denomination, the meaning of which is fixed in other matters. There is no doubt, that the stealing consecrated effects out of a temple is sacrilege; but there may be a great doubt, whether stealing private property out of a temple, can be called sacrilege likewise. The lying with another man's wife is undoubtedly adultery, but is it adultery to be found in her company in a brothel? It is certainly tyrannicide to kill a tyrant: but is it tyrannicide, to force a tyrant to kill himself? A syllogism, therefore, which I shall treat of afterwards, is no other than a definition, but of a weaker kind. In the definition we examine, whether two actions ought to fall under the same denomination? And, in the syllogism, whether we ought to reason upon them, as being of the same nature?

The diversity of definitions for the same thing, hath made some question, whether the same thing



can be defined in quite different terms. Thus rhetoric is defined to be "The knowledge of speaking well." By others, it is defined to consist "In happy invention and proper expression." And by others, "The calling up all the powers of speech, and commanding them so as to serve our purpose." We must examine, at the same time, whether though the sense is in the main the same, they are not too far different in the expression. But disputes of this kind may be proper for the schools, though they are not for the bar.

There is no way of defining some things, but in terms more obscure, than the term that is defined. Other things are so clear in their sense, that they require no definition as to the term. This variety has occasioned a great deal of logical jargon, which is very unprofitable to the business of an orator. For though, in ordinary discourse, he may make use of his abilities to pin an opponent down, so as to force him either to be quite silent, or to make concessions that hurt him, yet he cannot practise this manner at the bar. His business there is to convince the judge, for though he may be hampered by the terms, and the reasonings of the orator, yet still he must be dissatisfied within himself, if the thing is not made clear to his apprehension.

But what has the practice at the bar to do with all this precision of speaking? Says an orator, "Though I do not define man to be a mortal, reasonable animal, yet may I not, by expatiating upon the various properties of his soul and body, distinguish him sufficiently both from gods and brutes?" Farther, are we ignorant, that with Cicero we may define a thing in several manners, each of which is free and agreeable? Nay, that this has been the universal practice of orators? Seldom are they, like philosophers, confined to the slavery (for slavery it certainly

certainly is) of treading the same dull round in reasoning, and of using the same identical expressions in speaking: this is what Marcus Antonius, in Cicero's Treatise concerning the character of an orator, cautions us against. *

Now, as it is dangerous to hazard our whole cause by the slip of a single word, I recommend that middle way, which Cicero makes use of in his pleading for Cæcinna, where he establishes the meaning of the thing, with all the freedom of expression. "For, gentlemen," says he, "violence does not consist entirely in what masters the person, and puts an end to life: no; the greatest violence is that which, by affecting us with the fear of death, fills the soul with such dread, that she is driven from all her functions, and loses all her properties." The definition likewise may be secure, by premising a proof. Thus Cicero, in his Philippics, after establishing the proof of Servius Sulpitius being killed by Antony, finishes the period in this manner; "For, give me leave to say, that he who is the occasion of a man's murder, is his murderer." I am sensible at the same time, that this rule must be practised according to the nature of the cause, and that when a definition is unexceptionable, it appears with greater effect, as well as with greater elegance, when it is couched in expressions short and striking.

The order of defining is, What is the thing? and, Is this the thing? And here it requires more pains to establish, than to apply, your definition. Now, as to the first point, What is the thing? Sacrilege, for example; we have two points to observe; for we are to establish our own definition, and to destroy that of our opponent. In schools, therefore, where we dispute ourselves, we ought to lay down the definitions on both sides as properly as is possible. But

* See de Oratore, l. 2. c. 25.

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at the bar we are to examine, whether any part of a definition is superfluous, or impertinent, or immaterial, or equivocal, or inconsistent, or in common to other subjects; all which are faults that can be imputed only to the pleader.

Now, to enable us to define rightly, we are first to settle in our own minds, the point we want to establish, and then we can be at no loss for expressions that suit our meaning. To explain this, let me return to the well-known example I have already given. The man who has stolen private property out of a temple, is accused of sacrilege. That there is a criminality in this charge, is admitted on both sides. But the question is, whether it amounts to that crime which the law calls sacrilege? The impeacher says it does, because the money was stolen out of the temple. The defendant, because the money was private property, denies his crime to be sacrilege, but acknowledges it to be theft. The prosecutor's definition therefore will be, It is sacrilege to steal any thing out of a sacred place. The definition of the defendant will be, It is sacrilege to steal any thing that is sacred. Here, each will attack the definition of the other, either because it is false, or because it is defective. As to a definition being wholly impertinent and immaterial, such definitions can only come from fools.

If you say that a horse is a rational animal, the definition is false; for though he is an animal, yet he is an irrational one. Where a definition agrees with other subjects, it wants propriety. In the last example, the defendant alleges that the prosecutor's definition is false; but the prosecutor cannot say the same thing of the defendant's definition; because to steal any thing that is sacred, is undoubtedly sacrilege. But, says the prosecutor, his definition is imperfect, for he ought to have added, Or from a sacred place.

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But the best way for establishing or destroying a definition, is by having recourse to properties and differences, and sometimes to etymology. But all this, as well as all other reasonings, is confirmed by reflections upon natural equity, and sometimes by sagacity of discernment. We seldom have recourse to etymology; yet it may happen that the definition of a thing may be expressed by its name. But differences and properties admit of very refined distinctions: thus, when we examine, "Whether a person, whom the law obliges to serve his creditors till he pays his debt, is a slave." Here one party defines a slave to be a person whom the law subjects to servitude. Another says, that a slave is a person who is in the condition of a slave, or, as the ancients expressed it, who serves as a slave. Now, though this is a plausible definition, yet it is a very foolish one, unless it is supported by properties and differences. Says your opponent, the person in question serves as a slave, or is in the condition of a slave. This definition, being laid down, it is then incumbent upon you to examine into the properties and differences of freedom and slavery, which I but just transiently touched upon in the fifth book. A slave, when manumitted, is a freeman. The debtor, when he recovers his liberty, is a freeman. A slave cannot, but by his master's consent obtain his liberty. The other, the moment he discharges his debt, is free, whether his master consents or not. The slave is entitled to no benefit of law; but the debtor is. A freeman, and he only, has a first name, a name, a surname, and a tribe to which he belongs. The debtor has all these. Having thus examined what a slave, and what a freeman is, it brings us near to the question concerning the propriety of the definition, which it is our business to fit as much as we can to our purpose.

Quality

Quality prevails chiefly in definitions; for instance, "Whether a person is possest by love, or by madness?" Proofs come under this head, which, Cicero says, are the properties of a definition from antecedent consequences, adjuncts, contrarieties, causes, effects, and the like. But I have already considered the nature of such arguments. Cicero, in his pleading for Cæcinna, very concisely comprehends proofs drawn from the rise, the cause, the effect, the antecedent, and the consequence. "Why then did they fly? Because they were afraid? Of what were they afraid? Of violence, undoubtedly; can you then deny the principle, when you admit of the consequence?" He likewise applies similars. "That which in a state of war must be admitted to be violence, shall it loose that name during peace?" Proofs are likewise drawn from contrarieties. "Whether or not is a love-potion poison, since poison is not a love-potion?"

I used to explain the other manner of defining, I mean the imperfect one, to my young gentlemen (for youth shall be always dear to me), by the following imaginary circumstance: "Some young men designing to be merry, resolved to regale themselves by the sea-side, and missing one of their companions at the entertainment, they erected a tomb for him upon the spot, and inscribed it with his name: the young gentleman's father, who happened to be then abroad, landed at this very spot, and, upon reading the name, immediately hanged himself." The young gentlemen are impeached for occasioning his death. Says the prosecutor, by way of definition, "Every man who does an action by which another dies, is the cause of that man's death." Says the defendant, "He who does an action, which he knows must of necessity kill another man, is the cause of that man's death."

death." Now, setting aside the definition, it is sufficient for the prosecutor to say, "Ye have been the cause of my friend's death: it was through you he was destroyed; because, had you not built that monument, he had been still alive." To this it may be replied, Surely a man is not immediately to be condemned for doing a thing, through which another man dies. Else what should become of prosecutors, witnesses, and judges, in trials upon life and death? A man may innocently be the cause of another's death. Should one man, for instance, persuade another to pay a visit to his friend beyond seas, and he is drowned in his passage: another man invites his friend to sup with him, and by over-eating himself, he dies of a surfeit: the old man's death was not solely occasioned by what the young gentlemen did, but his own credulity, and his inability to support his affliction. Had he possessed a larger stock of resolution or prudence, he had been alive. In short, the young gentlemen could have no ill intention in what they did; and could the old man have allowed himself ever so little time for reflection, he would have seen by the place, and the manner of the fabric, that what he mistook for a monument was none. How then are these young gentlemen to be punished upon a charge that turns wholly upon homicide, which it is not alleged they either intended or actually committed?

Sometimes, there is a stated definition in which both parties agree. "Majesty," says Cicero, "resides in the government and in the whole dignity of the Roman people. A question may arise, however, whether this majesty be not wounded, as happened in the case of Cornificius. But even that, and other cases like it, depends greatly upon defining rightly. Now, if the definition is agreed upon,

upon, the cause must turn upon the quality of the action that is tried. Which happens to be the next point I am to treat of.

CHAP. IV.

CONCERNING THE QUALITY OF AN ACTION.

QUALITY is the most comprehensive kind of reasoning that can enter into a cause; and it is variously distinguished. For we may reason upon the quality of the nature, and upon the quality of the form of a being. For instance, "Whether the soul is immortal? Whether God has a human form?" It likewise comprehends magnitude and number. "How large is the sun? Are there worlds besides this?" All these questions, it is true, are managed by conjecture, and yet all of them contain a question concerning quality.

Sometimes deliberative cases require to be handled in the same manner. Were Cæsar, for instance, to deliberate about attacking Britain, he would inquire into the nature of the navigation; "Whether Britain is an island?* (a circumstance that till now was

* There seems here to be somewhat of a compliment to Domitian, and his great general, Agricola, if the Cæsar spoken of is the former. Nothing can be more certain than that Julius Cæsar mentions Britain as an island; and it is more than probable, that the Romans, in the time of Claudius Cæsar, were in possession of the Orcades, now the islands of Orkney and Schetland. However this may be, Tacitus undoubtedly, though a professed historian, fell into the same mistake, when he tells us, that Agricola was the first who sailed round the island, and discovered the Orcades. See his Life of Agricola, c. 10. Commentators, however, have inferred from this expression, that our author must have composed

was unknown). How much land it contains? What number of soldiers will be required to subdue it?" What we ought to do, and what we are not to do, come likewise under the head of quality; as does whatever we ought to court or to avoid. It is true, those matters are chiefly deliberative, but sometimes they come to be agitated at the bar likewise; with this difference, that we deliberate upon what may happen, but we plead upon what has happened. Under this head falls likewise all the demonstrative part of pleading, as when the fact is acknowledged, we speak to its quality.

Now all controversies at the bar relate either to property or to punishment, or to their proportions. The first constitutes a cause that is either simple or comparative. In the former, we only examine into what is equitable: in the latter, into what is more equitable, or most equitable. When the controversy turns upon punishing, the accused party must either defend the charge or diminish it, or excuse it, or, according to some, have recourse to deprecation. The strongest defence by far is (supposing the fact to be acknowledged), to maintain that what we did was brave and virtuous in itself. "A father, for instance, disinherits his son, because, against his inclination he had served his country, or stood for public employment, or had married." The father persists in what he had done. Here the only question is concerning the thing, whether what the father has done is just or not? Now justice is of two kinds, natural and positive. Natural justice com-

composed this treatise eighty-six years after the birth of our Saviour, which falls in with the time that Agricola's navigation was performed. But, after the most accurate calculation, I cannot place it so late by upwards of a year. The learned Dodwell, in his Annales Quinctilianæ, is greatly puzzled about this affair; but I agree with him in fixing the time of the discovery hinted at here, to the eighth year of Agricola's government in Britain.

prehends

prehends piety, honesty, abstinence, and the like. Positive justice rests upon the laws of the land, upon use and custom, upon legal decisions and compact. This defence we call an absolute defence, because it is independent of all considerations but justice.

There is another defence which we call assumptive, because we proceed upon it by assuming circumstances, foreign to the cause, in order to justify an action, that of itself is indefensible. Here our strongest plea is to justify the motive upon which such an action is committed. Of this kind is the justification of Orestes, and of Milo; and both of them partake of recrimination, because they proceed upon accusing the party, for whose death the impeachment is brought. "Such a man was killed. Yes; but he was a robber. Such a man was castrated. He deserved it, for he was a ravisher."

But there is an assumptive defence of a different kind, in which we neither, as in the absolute defence, defend the fact upon its own bottom, nor do we defend it by recrimination, but by its having been of service either to our country, or to multitudes, or to the prosecutor himself; nay, sometimes to ourselves; if it is of such a nature, as that we are allowed to do it for our private interest. But this last defence must be confined only to family differences that may be brought into a court of law;* for it is very improper to urge it, when we have no connections with the prosecutor, and when we must stand or fall by the rigour of the law.

For in declamatory cases, where a father abandons his son; where a woman sues her husband for mal-treatment; where a son wants to prove a father insane; the several parties may very becomingly

* This, I think, must be the meaning of my author, though the Abbé Gedoyn seems to have understood him in another sense.

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urge their private interest as a justifiable motive for what they do. I am, however, to observe, that the plea of preventing loss is much better than that of pursuing profit.

Such matters are often brought to the bar. In the schools, the son is abandoned. At the bar, he is actually disinherited by his father, and comes before the consuls to reclaim his family estate. The woman, who in the schools is mal-treated, is actually divorced at the bar, where the justice or injustice of the divorce is tried; and the son, who alleges in the school, that his father is insane, pleads at the bar that he may be put under the care of committees.*

Next to arguments of utility, it is of great service to a defence, when the defendant can shew that, had he not acted in the manner he did, something worse must have happened. Thus, when Mancinus was upon his defence for making the Numantine league, he might very properly have urged that, had he not made it, the whole Roman army must have perished. This I call the comparative manner, and finishes what I have to say upon the head of justifying an action.

But if it can be justified neither in the absolute nor assumptive manner, that is, neither in itself, nor by circumstances, our next recourse is to transfer the charge to another party. Now, the methods that I have already mentioned are applicable to this of transferring a charge. Sometimes the fault is thrown upon a person; thus, Gracchus, when impeached for the Numantine league, which gave rise, afterwards, to many laws in prejudice of the nobility, justified himself with saying, that what he

* [Committees.] Though this word may seem to have too modern an air, yet it answers exactly to the original petendi curatores.

did was by command of his general. Sometimes the charge is transferred to a thing; thus, when a man is charged with not fulfilling the last will of another person, he is at liberty to say, that the laws were against it.

Should this method of defence likewise fail us, we have still recourse to excusing the fact. This we may do by pleading ignorance, or necessity. Thus, a man picks up one, who can give no good account of himself, and brands him in the forehead as a runaway slave. But it afterwards appearing that he was free born, the person so doing may plead, "That he did not know him to have been so." When a soldier is not present at a muster, he may plead, "That he was detained by floods, or by sickness." Sometimes too, we throw the blame upon fortune; sometimes we confess the thing to be wrong, but plead that our intention was good; but examples of such defences are endless, and therefore unnecessary.

The next means of defence is by diminishing the charge. And this some call, the state of proportion. But as it is applicable only to penalties or rewards, it is determined by the quality of the fact, and therefore comes under the head of quality, as do several other states or kinds of pleading mentioned by the Greeks.

The last kind is deprecation, which, some think, never ought to be reckoned a part of judiciary pleading. Nay, Cicero seems to give some sanction to that opinion, when, in his pleading for Ligarius, he says, "Cæsar, I have pleaded many causes, even with you, while your progress in honours led you to the practice of the forum; but never sure in this manner: pardon him, my good lords; he has done amiss; he has slipped; he did not think: if he shall ever do so any more." This is the way of pleading, indeed, when one speaks to a father; but to the

judges, "He did not do, he did not intend to do it; the evidence is false; the crime is forged." In pleadings, however, before the senate, the people, or the sovereign, or before any judge that has power to soften the rigor of the law, deprecation may be very proper, especially if the impeached party can plead that the foregoing part of his life was inoffensive, and serviceable to his country; that there are grounds to believe that the remaining part of it will not only be harmless, but useful to the state. These suggestions have the greater weight, if it can be farther urged, that he has been already sufficiently punished by other hardships he has suffered; by the danger he now undergoes, or by the remorse he feels. Independent of his person, his nobility, his dignity, his relations, and his friends may likewise be urged. Great care, however, ought to be taken to manage his defence so, that, should he be pardoned, the judge should not be blamed for his weakness, but honoured for his compassion.

But though this topic of deprecation may not prevail through the whole of the pleading at the bar, yet it very often takes up the greatest part of it. For a pleader frequently has occasion to say, "My client did not commit the fact, but, supposing he had committed it, he ought to be pardoned;" and this is a consideration that is often prevalent in doubtful causes; and the windings-up of most pleadings generally hinge upon supplications. Nay, sometimes the defendant places upon them the stress of his defence. Thus, supposing a father disinherits his son, because he is in love with a whore, and for no other reason. Here the whole question is, whether this was a fault which the father ought not to have pardoned, and whether the centumvirs ought to be as rigorous as the father? But even in penal prosecutions, and prosecutions for defamatory words, we generally

generally distinguish, "whether the party has incurred the penalty of the law? And whether he ought to undergo it?" It is true at the same time, that when a judge is bound down to act according to law, he is not to acquit a party, who has no other defence to make, but supplication.

With regard to matters of property; rewards, for instance, we are to examine two things; whether the claimant has a right to any recompense, or to so large a one as that which he claims. If two claimants appear, we are to examine which has the best right; and should more appear, we are to examine the claims of them all: and we are to decide for him who has the best grounded pretension. At the same time, we are not to consider the thing only, whether it comes before us by way of allegation or comparison; but the person likewise. It makes a great difference, whether the person who kills a tyrant is a young man, or an old man; a man, or a woman; a stranger or a relation. The place too on several accounts is to be considered. If he tyranized in a state that was enslaved, or free; whether he fell in a fortified or an unfortified place? The manner too is to be considered; whether he fell by the sword, or by poison? The time too; whether in war, or peace; and whether he was killed at the time when he was about to resign his power, or at a time when he was meditating fresh oppressions and cruelties? The popularity of a party too, the risque he ran, and the difficulties he underwent, are likewise material considerations.

In like manner, in cases of liberality we are to distinguish between parties. There is more merit in the liberality of a man in indifferent, than of a man in opulent, circumstances: When it confers, than when it requites an obligation: From a man who has a family to maintain, than from him who has none.

none. We are likewise to consider the degree of the benefaction, the time when, and the intention with which it was conferred; that is, whether the motives were quite disinterested.

Other actions are to be considered in the same manner. Therefore, those causes, that turn chiefly upon the quality of an action, require all the powers of genius and eloquence: it is there they exert themselves to the greatest advantage; it is there they make the greatest impression upon the passions, whatever side of the question the orator takes. He there employs all kinds of proofs; sometimes from foreign circumstances, sometimes he is supplied from the nature of his cause, and eloquence alone furnishes him with the means of placing it in the most favourable light; here she reigns; here she controuls; here she is despotic and decisive.

To this head Virginius refers causes of disinheritance, of insanity, of maltreatment, and of forced marriages, when an orphan can oblige her next relation to marry her; all which, according to some, turn upon the principles of civil duty.

But such causes sometimes admit of other states. The conjectural prevails in most of them, where the fact is denied, or where it is alleged to have been committed with a good intention, of which we have many examples. Cases of insanity, or maltreatment, require definitions. For the points of law are generally first discussed, and the reasons for any deviations from the law are settled. But when the fact is not to be defended, it must rest upon the law. We are therefore to examine, in what cases a father is not at liberty to disinherit a son, nor a wife at liberty to bring an action against her husband for maltreatment; or for one relation to sue out a commission of lunacy against another. A father has a right to disown a son upon two accounts; first, if the latte

latter has actually committed a crime, such as adultery, or ravishment; the second is, where no actual crime has been committed, but is eventual, as when a father disowns a son merely for being refractory to his commands. The former case is always odious, because what is done is irrecoverable; the second case is favourable, and admits of persuasion; for it may be presumed that a father chuses rather to correct a son than to disown him. But in either case the son is to behave with submission, and to appear ready to give his father all satisfaction.

Some, I know, pay but little regard to a father's professions upon such occasions, and I am sensible that a case may be so circumstanced that little or none is to be paid. But open disregard is to be avoided if possible. Cases of maltreatment are to be managed in the same manner, for the woman who prosecutes ought to observe the same decency.

Cases of insanity too are brought before a court, either on account of the party having committed certain acts of insanity, or the probability of his acting insanely, or his inability to act sanely.*

With regard to what has been actually committed, the prosecutor is at liberty to make the best of it, remembering always, that however he paints out the action, he is still to express a becoming concern for his father, whom he is to compassionate, because the disorders of his body have brought on those of his mind. As to those matters that may yet be prevented, the son is to use variety of entreaties and intercessions, and to end them by assuring the court, that his father's infirmities, and not his morals, have rendered his actions thus irregular; and the greater commendations the son bestows upon his father's

* [Orig. Vel non fieri potest] Abbé Gedoyn has not translated this expression; and some Commentators think it impertinent, but I durst not omit it.

past

past life, he will be the more readily believed as to the change, which his disorder has brought upon him. As to the accused party, if his cause admits of it, he ought to offer his defence with great calmness, lest he should convict himself by discovering emotions of passion, eagerness, and violence, all which nearly resemble frenzy. But in causes of this kind, the accused do not always defend the fact, but often have recourse to asking pardon, and excusing what they have done. For when it is a family dispute, a party is sometimes acquitted, if it is his first fault, if he fell into it through a mistake, or if the charge appears to be aggravated.

Many other kinds of causes turn upon quality. Assaults, for instance, and damages; for though the defendant sometimes denies the fact, yet most causes of that kind turn upon the quality of the fact, and the intention of the party. As to trials upon the right of prosecuting, called divinations; Cicero, who impeached Verres at the desire of the Roman allies, lays down the following division: That the court ought to regard the desires of the complainants in appointing the prosecutor, and likewise the person whom the impeached most dreads in that capacity. In such causes, however, the following considerations frequently occur: Which party had the greatest provocations; which would be most active, and most powerful, in supporting the impeachment; and which would be most zealous in carrying it on.

Cases of guardianship come likewise under this head. Here the question generally is, whether the guardian is accountable for aught but the money and effects that are in his hands, and whether he ought to give security not only for them, but for whatever may happen to the estate in consequence of his administration and advice. Causes of mismanagement of other people's affairs are of the same kind.

kind. For such causes may be brought before a court of justice, as may likewise all matters of commission or intromission. In schools we declaim likewise upon libels; and here we try first, who was the author; and secondly, whether the matter charged is libellous.* But cases of this kind seldom happen at the bar.

Amongst the Greeks, real impeachments were often brought against those embassadors that had misbehaved in their functions. Here a point of law frequently arose, whether embassadors ought to act in any other manner than their instructions direct them, and how far their powers extend. For their public character ceases, when they have reported the success of their embassy.† But Heius, before he returned to Sicily, commenced evidence against Verres, whom, as embassador, he had highly extolled, and therefore was liable to prosecution. But it is a matter of the greatest consequence to know the meaning of the words, betraying the public. It has given rise to at least a thousand law-cavils. What it is to betray the public? Whether it has not been rather served, than betrayed? Whether it has been be-

* [Libellous] The original here is very particular. Præter hæc nguntur in Scholis & Scripta maleficia, in quibus aut hoc quæritur, n scriptum sit: aut hoc, an maleficium sit: rarò utrumque. Some mmentators have been of opinion, that the scripta maleficia re mentioned were a kind of poisonous incantations, conveyed in rtain characters, because the Maleficæ Muliers were a kind of nchantresses: but I chuse to refer the expression to the Libri mosi, which answer our defamatory or treasonable libels, which ere so famous among the first emperors of Rome. The anner in which I have translated it is almost literal, but it agrees actly with the practice of the courts of law in England. The bbè Gedoyn has omitted the whole passage.

† [Embassy] The best reading here seems to be that of Stenanus, Quoniam alii in renunciando sunt. Burman conjectures, at for sunt we ought to read fiunt, which is much to the same rpose.

trayed

trayed by him, or upon his account? But a great deal depends on the nature of the proof.

Causes of ingratitude come, likewise, under this denomination. Here the question is, whether the person prosecuted did really receive the obligation? This seldom is denied, because such denial alone might fix the charge. We then inquire, whether he has requited the obligation; and, whether, because he has not requited it, he has deserved the charge of ingratitude. Whether it was in his power to requite it; whether he owes any such obligation as is alleged; and with what intention it was conferred, or with-held?

Cases of unjust divorce are more simple, but with this peculiarity, that the prosecutor becomes the defendant, and the defendant the prosecutor. Under this head likewise comes the case of a man giving to the senate his reasons, why he intends to put himself to death. Where the only point of law is, whether a man, who wants to put himself to death, ought not to be restrained from doing it, if he is to do it in order to elude the laws of his country? All the rest of the cause turns upon quality. We have likewise sham pleadings upon supposed latter wills, where the only point to be discussed is, the intention of the deceased. Such is the case that I have already mentioned, in which a physician, a philosopher, and an orator, lays each of them a claim to the fourth part of the father's estate. The same manner prevails, where several persons equally related to an orphan claim her in marriage; the question is, which kinsman will make the fittest husband for her? But I have here no intention to touch upon every subject of this kind; for many yet remain unmentioned, and all of them have their peculiarities, according to their different states of the question. I am, however, surprised that Flavius, (to whose authority I pay the

t deference, yet no more than he deserves) he composed his system of rhetoric for the schools only, comprehended this head of quader such narrow bounds.

ve already observed, that generally, though ays, proportion, whether it relates to measure ber, is comprised under the head of quality. e measure sometimes is determined by the tion of the action, whether it be hurtful, or be- l. Sometimes by law, when we debate upon that is to award punishment or recompense. ther a ravisher shall be acquitted for paying n of money,* which by law is to ransom the y of the crime; or whether he ought not to be death, as causing that of the ravished person, uld not survive his ravishment?"

, they are mistaken, who in this case say that pute turns upon the two laws only; for there no manner of dispute concerning the money, e it is not sued for. The question is, whether efendant was the cause of the other man's

Questions of this kind are sometimes tural: "Whether a malefactor shall be ba- for five years, or for life? Whether such a s guilty of wilful murder?" Questions rela- proportional numbers are likewise to be de- ed by law. "Whether Thrasybulus was not d to thirty rewards for expelling thirty ?" When two thieves are detected in steal- um of money, "Whether each shall restore it d, or twofold?"† But here too the nature of t is considered, and the law itself is construed ing to the quality of the action.

z. Ten thousand asses, which in our money is between and fourteen pounds.

wofold] The civil law condemned such a thief as is here ed, to refund four times the sum he had stolen. The therefore was, whether, if each thief contributed double, t of the law was not answered?

CHAP. V.

CHAP. V.

CONCERNING THE INSUFFICIENCY OF PROCEEDINGS.

An impeached party, who neither can deny a fact, nor distinguish it away, nor defend it, is obliged to intrench himself within the law; and here he generally lays hold on the impropriety of the action. But this is not a point which, as some think, is always treated in the same manner. For sometimes it goes before the trial, as when the prætor wants privately to satisfy himself, whether such a man is a proper person to impeach another. And often it occurs in the very trial itself. The manner of debating this matter is either by attacking the action, as being wrong laid, or by excepting against the party who lays it.

Now, some have made excepting, or challenging, a head of pleading by itself, as if it did not take place in all the same questions as the other laws. While the dispute rests upon the exception, the fact that is tried is out of the question. For instance; a son excepts against the father, as an improper person to bring an action against him, because he is notoriously infamous. In this case, the only question then is, "Whether the son has a right to make such an exception?" But in all such cases a party ought to throw in as much as he can, to prepossess the judge in his favour upon the main question. Thus in questions upon interlocutory judgments, when the title turns upon possession, and not upon right, the defendant should endeavour to show, that he had not only the actual, but the rightful possession of the premises.

But this question most commonly turns upon the demand itself. The law says, that "the man who

serves

serves his country has a right to demand, for recompense, what he pleases." Now, I deny that he ought to be gratified with whatever he demands. I have no exception to the man, but I except against the words of the law, in favour of its meaning. Yet, both those kinds of causes admit of the same state of the question.

Every law either gives, or takes away; or punishes, or enjoins; or prohibits, or permits. It is canvassed either for its own meaning, or as it stands in relation or opposition to another law. The question turns either upon its terms, or its meaning; and the former are either clear, dark, or equivocal. All I here say of laws is applicable to last wills, to bargains, contracts, and, in short, to all written instruments, and even to verbal contracts. And, because upon this head I have laid down four states, or questions, I will touch upon each.

CHAP. VI.

CONCERNING QUESTIONS ARISING FROM THE TERMS, AND THE MEANING OF A LAW.

THE terms, and the meaning, of a law are the points most frequently agitated at the bar, and in most causes are decisive. No wonder, therefore, that they prevail greatly in schools, where causes turning upon this distinction, are assiduously invented.

The first division upon this head is, where both the terms and the meaning of the law come into question. This happens when there is some darkness in the law, which each party makes advantage of, to establish his own construction of it, or to destroy that of his opponent. Thus, the law says, a thief shall refund fourfold what he steals. Now,

two thieves steal twenty pounds, and they are sued to refund fourscore pounds a-piece, but each offers to lay down only forty. I demand no more than fourfold, says the prosecutor. And we offer you fourfold, say the defendants. Here both hinge upon the meaning of the law. The same thing happens when one part of the law, in one sense, is clear, and, in another, doubtful. Says the law, the son of a whore is to be debarred from the rights of the people. Now, a woman, after having a lawful son, turns whore; and that son is debarred from the rights of the people. Had this son been born while she was a whore, he comes plainly under the description of this law. But, says the son, I was born when my mother was an honest woman. You are her son, replies the other party, and she is a whore. Sometimes it is doubtful, to what object the terms of the law relate. Says the law, You are to bring no action twice for the same thing. Now, it is doubtful, whether the word twice relates to the prosecutor, or the thing prosecuted. All such questions arise from the obscurity of the law.

Another sort of causes, under this head, is, where the law is clear and express, both in its terms and meaning; and yet one party hinges upon the terms, and the other upon the meaning. Now, the terms of the law may be combatted three ways. First, upon the impossibility of the observance. Says the law, Children are either to maintain their parents, or be put in irons. But an infant cannot come under the description of this law. This leads us to other points of inquiry: Whether the meaning of the law is, every child? Whether this party comes under the meaning?

For this reason, some lay down a kind of plea in which no argument can be drawn from the law itself, but from the nature of the action upon which

which the prosecution is founded. Says a law, If a stranger shall mount the fortifications of the city, let him be put to death. The enemies attempt to storm the city; a stranger mounts the fortifications, and drives them back. Here, there is no question about every stranger, or this stranger, because the very action, for which the stranger is prosecuted, is the strongest arguments against the terms of the law. What! is not a stranger to mount the ramparts of the city, in order to save the city? Here the stranger's defence rests upon natural equity, and the meaning of the legislature.

In some cases we may bring examples from other laws, to prove that we cannot always go by the terms of a law, as Cicero does in his pleading for Cecinna.

A third division is when, in the very words of the law, we find some circumstance to prove the meaning of the legislature to have been different. Says the law, The man who in the night-time shall be caught with steel about him, is to be put in irons. A magistrate puts a man in irons for wearing a steel ring in the night-time. Now, the very word caught, implies the meaning of the law, to regard only steel weapons. But as the party, who attaches himself to the meaning of the law, should do all he can to explain away its terms, so he who hinges upon its terms should endeavour to avail himself of its meaning likewise.

In testamentary matters it sometimes happens, that the testator's intention is evident, but that it appears by no expression of his will. Thus, in the trial between Manius Curius * and Marcus Coponius, when the noted contest happened between Mutius and Scævola, the former was left heir by the testator, if the son, who was to be born after his

* [Curius] See Cicero de Oratore, l. i. c. 39.

death,

death (for he believed his wife to be with child), should die before he came of age. No child was born; the heirs at law demand the estate. Now there can be no doubt the meaning of the testator was, that Curius should be his heir, either in case he had no son, or in case he had no son that came of age. But this meaning was not expressed in his will.

Cases the reverse of this sometimes happen, by the words of the will evidently contradicting the meaning of the testator. One left to his friend in a legacy five thousand sexterces; he afterwards altered his will, and instead of sexterces, inserted pounds-weight of silver, without expunging the three cyphers, which appeared not to be the intention of the testator, who certainly meant five pound-weight of silver, and not the other great and incredible sum. General questions likewise arise under this head. Such as, whether we are to stand by the terms or the intention, and what was the testator's intention; all which questions relate to conjecture or quality, of which I have already sufficiently treated.

CHAP. VII.

CONCERNING CONTRADICTORY LAWS.

I AM now to speak of contradictory laws; because all rhetoricians agree, that such contrariety contains two states; that relating to the terms, and that relating to the intention. Because when one law contradicts another, each party litigates the terms and meaning of his opponent's law. And thereby the question becomes double; which of the two laws is to take place. Now common sense tells

tells us, that a law cannot be enacted professedly in contradiction to another, without repealing that other; but then two laws may be so circumstanced, that accidentally or eventually they may clash with one another.

Now this may be the case with two laws equally in force; one law says, that the destroyer of a tyrant shall be gratified with whatever he shall demand. Another makes the same provision, for the man who shall eminently serve or save his country. Both of them demand the same recompense, and this introduces a comparison of their respective merits, dangers, and deserts. Sometimes two parties, in the same circumstances by law, clash the one with the other: two patriot heroes, two destroyers of tyrants, two women who had been ravished.* In such cases there can be no question put with regard to time, Who had the priority? Or the quality, Which claim is justest? Different or similar laws sometimes clash with one another. A commandant is not to leave the garrison. A hero, who has served his country, is to be gratified in his demand. Now this hero may be a commandant, and his demand may be to leave the garrison. Nay, without regard to any other law, a doubt may arise, whether such a hero ought to be gratified in whatever he shall demand. As to the commandant, a thousand reasons may oblige him to leave his garrison; for instance, should it be set on fire, or should he be obliged to repel the enemy. To similar laws,

* [Ravished] The reader is to understand, that in cases where it was plainly proved, that a woman had been ravished, she had her option either to demand the ravisher in marriage, without bringing him any fortune, or that he should be put to death. The case here alluded to is that of a man who in one night ravished two women, the one of whom demanded him in marriage, and the other demanded his head.

nothing

nothing but the words of the one can be opposed to the words of the other. One law says, the statue of a person who has killed a tyrant shall be erected in the public place of exercise; another law says, the statue of no woman shall be erected there: now, a woman kills a tyrant. Here, and in no other case, can the woman's statue be erected, or that of the tyrannicide rejected.

When there is an inequality in two laws, the one admits of great opposition, and the other of none but what is the subject of the litigation. Thus the hero I have already mentioned, demands pardon for a deserter. Now I have already shown, that great opposition may be made to the gratifying such a hero in his demands; but no opposition, excepting his demand, can be made to the law, which dooms a deserter to death.

Again, the sense of both laws is either admitted on both sides, or it is doubtful. If it is admitted, we next examine, which law is most powerful? Whether it relates to God or man? To the commonwealth, or to private persons? To rewards or to punishments? To matters of importance or to trifles? Whether it permits, prohibits, or commands? Sometimes we examine likewise, which law is most antient, and consequently most obligatory; and which law will be least violated. As in the case I have just now mentioned of the deserter and the hero. Because, if the deserter is suffered to live, the law is totally violated: but if he is put to death, the hero may be indulged in making a second demand. But in such cases, the most decisive consideration ought to be, which law can be observed with the greatest justice and equity; and this can be determined only by the subject matter in question.

If the sense of the two laws is doubtful, the doubt must arise, either from one or both parties, who

o reciprocally dispute one another's construction it. As in the following case; "A father may law claim the property of his son, and a master his freed-man; the freed-men descend to the r." Now a certain person makes the son of a d-man his heir; this freed-man's master, and the d-man himself; both claim the property of the and his estate. Says the one, "I have the perty of him because he is my son. But, says other; you can have no property, but what is ne, for you yourself are my property." Two visions in the same law are often opposed to one ther, as if they were two different laws; for exple, "A bastard, born before a legitimate son, is be held as legitimate, if born after he is to considered only as a citizen." What I have l concerning laws, is applicable likewise to des of the senate, either when some are contrary to others, or when they are inconsistent h the laws. For the same considerations prevail ough all.

CHAP. VIII.

ONCERNING SYLLOGISTICAL OR LOGICAL REASONING.

THE syllogistical manner resembles what I have ady observed concerning the terms and the ning of the law; with this difference, that there dispute against the terms, and here upon them. re, he who hinges upon the terms, insists upon literal observation of the law; here, he requires, t nothing shall be done but what the terms of law direct. And it has some affinity to the d of definition; for very often an improper defion slides into a syllogism. Supposing a law, that ry woman who is guilty of poisoning shall be put

to death; and that the following case happens; "A woman gives a love-potion to a husband who is unfaithful to her bed, and then leaves him; the relations on both sides entreat her, but all in vain, to return to her husband, who, upon that, hangs himself, and the woman is accused of poisoning." Now the strongest plea of the prosecutor is to say, that a love-potion is poison. This is a definition, but if it does not answer, he has recourse to reasoning, and without insisting upon his definition, he shows, that the woman ought to be punished in the same manner, as if she actually had killed her husband by poison. Thus the state of reasoning infers somewhat that is disputable from the terms of the law, and because this inference is made by reasoning, it is called a rational inference.

Of the like kind are the following questions; Whether the law ought to be executed oftener than once for the same crime, and upon the same person? For instance, "A woman is condemned to be thrown from the top of the Tarpeian rock; the sentence is executed, but she lives. And the prosecutor demands that she shall undergo the sentence again." Whether the same person may claim several rewards for the same thing? "A man kills two tyrants at one time; and he demands a recompense for each." Whether what ought to have been done before, may be done after? "A woman is ravished, the ravisher flies, the woman is married to another person, the ravisher returns, and she makes her demand of option, that the ravisher shall either marry her, or be put to death." Whether what is law as to the whole, is not law as to a part of that whole? "A creditor cannot detain a plow *, but he detains

* [Plow] This was not an imaginary, but an actual provision in the civil law; and the reason was, that the plow could be of very little service to the creditor, but that the loss of it might be of the utmost detriment to the debtor and his family.

the

the plow-share." Whether what is law as to a part, is not law as to the whole? "A certain state prohibits the exportation of wool *; a merchant therefore exports sheep."

In all syllogistical reasonings of this kind, one party pleads the letter of the law; the other says, the law has made no provision against the case in question. "I demand, says one party, the execution of what the law awards against that woman convicted of incest." By law the ravished woman has her demand of option. If the merchant exported sheep, he exported wool likewise: and so of the others.

But it may be answered, "that the law does not say, the incestuous woman shall be thrown twice from the Tarpeian rock; that the ravished woman shall have her option after she is married; that the tyrannicide shall have two recompenses. The law speaks nothing of the plow-share; the law speaks nothing of the sheep." Therefore the doubtful is collected from the evident matter.

It is more difficult to find out in the letter of the law, that which is not expressed in the law. The law says, He who kills his father, is to be sewed up in a sack, and thrown into the sea. But it expresses no penalty against the man who kills his mother. The law says, That a man is not to be forced out of his own house for any matter of debt. But it makes no express provision against his being forced out of his tent. In all such cases, we are to inquire whether we are not at liberty to have recourse to a similarity in some other division. Se-

* [Wool] I am not sure, whether the Tarentines, which is the state here mentioned, prohibited the exportation of wool, or whether this is a fictitious case. Meanwhile it is certain from Columella, that the wool of Tarentum was the softest, and properest for manufacture of any in Italy.

condly, whether the matter in question is really like the decided point. Now similarity is implied either in a greater, in an equal, or in a less degree. In the first case we are to examine, whether the matter in hand has been sufficiently provided for by the decision of the law: and if it has not, whether we are to insist upon either of them. In both cases the intention of the legislature is to be considered; but the chief consideration is the rule of equity.

CHAP. IX.

CONCERNING EQUIVOCALITY.

EQUIVOCALITY is so frequent, that some philosophers have thought, there is not a word that does not admit of more significations than one. The kinds of it, however, are only two; that which arises from single, and that which arises from several words. A single word may lead us into a mistake. For instance, the word cock *, which signifies either a man's name, the cock of an instrument, or of a vessel, or a bird. And the name Ajax may denote either the son of Telamon, or Oileus. The verb discern, either signifies to see or distinguish; or in civil matters, to decree or adjudge. The word ingenuity is often taken for art, though it properly signifies honesty or candour †. The Greeks give us

* [Cock] I have taken a very little liberty here with the original, because the word Gaul does not answer in English to a castrated priest; which it did in Latin, to signify the priests of Cybele.

† [Candour] I have likewise, in this and several other examples brought by our author, added and omitted some things, for the same reason as above.

a great many trifling, gingling examples of the same kind.

The equivocality is more puzzling when it runs through a whole sentence, and where the cases of words are ambiguous; for example,

Æacides, I say, the Romans shall o'ercome.

The placing of a word, though there is no ambiguity in the cases. Thus Virgil says,

The bridle yet he held——

Here there may be a doubt, whether the poet means he still held the bridle, or he held the bridle notwithstanding. Another dispute of the same kind arose from a man ordering by his latter will, That a statue should be erected to him holding a spear all of gold. Here the question is, whether the statue was to be all of gold, or the spear. Nay, sometimes a wrong cadence will cause an ambiguity in a line. Sometimes a sentence may be conceived so, that of two nominatives, which it contains, it is doubtful which belongs to the verb. Says a man in his latter will, I ordain that my daughter shall give to my wife a hundred pound-weight * of my plate, such as she shall chuse. The question here is, who is to have the choice.

I could bring many other instances, were it necessary. Upon the whole, it does not signify in what manner an equivocality is either formed or resolved. For it is certain, that it always has two senses, and that the word or the expression is equally favourable to both. Therefore it would be in vain to lay down any rules for accommodating the sense of the word to our meaning; for could

* Our author gives us several other examples of ambiguities, which were they not, as they are, peculiar to the Latin tongue, it would be superfluous to translate. And one of them is brought from Cicero, but I think with no great justice.

that

that be done, there would be no equivocality. The whole dispute that can occur upon this head is, which meaning is most natural, which most equitable, and which is best fitted to answer what probably was the intention of the speaker, or the writer; all which considerations we have already handled, under the heads of conjecture and quality.

CHAP. X.

CONCERNING THE RELATION AND DIFFERENCE BETWEEN THE SEVERAL STATES OR HEADS ALREADY LAID DOWN.

Now, there is a certain relation that connects all the states I have mentioned. For definition regards the meaning of a word; and syllogism, which is the next state, the intention of the writer; and in the contrariety of laws arise two different states; one of the terms, and another of the meaning. A definition itself sometimes becomes an equivocality, when the word defined admits of two senses. The terms and the intention turn upon the expression, as does that state which arises from the contrariety of laws, or ANTIMONY. Some, therefore, have reduced all these states to two, that of the terms, and that of the intention. And others think that the terms and the intention, when they appear to differ, always contain an ambiguity which forms the question. But they are distinct. For there is a difference between the ambiguity, and the obscurity, of a law.

For, the state of definition contains a general question upon the nature of a word, which may stand unconnected with the circumstances of a cause. The state arising from the terms, and the meaning, arises from what is expressed in the law; and

d the state of syllogism from what is not ex-
essed. The equivocal state presents us with two
fferent senses, and the antimony makes one law
ht with another. These distinctions have had,
d still have, the sanction of the most learned and
nsible professors and pleaders.

Meanwhile, I have laid down some (though not
) rules relating to the distinctions I have here
ade. Others entirely depend upon the circum-
nces of the cause. For it is not enough to divide
e whole of a cause into several questions and
pics; because each of these divisions themselves
ve their proper arrangements. In an exordium,
r instance, somewhat comes first, somewhat is
ged in the second place, and so on. In short,
ery question, every topic, that can arise, has its
oper disposition, in the same manner as general
opositions have.

Supposing an orator, in handling one of the
uses I have already mentioned, should proceed
on the following division. "I shall here, says
, examine, Whether a patriot hero is to be gra-
ied in every demand, though he should demand
ivate property, though he should demand an un-
arried lady for his wife, though he should demand
married lady from her husband, though he should
mand the lady here in question?" Can we have
y opinion of such a pleader's abilites, if, when he
mes to speak to the first head of his division, he
all, without order, without method, spatter out
hatever comes uppermost? If he shall be igno-
nt, that the first point he is to examine is, Whe-
er he is to abide by the words, or the meaning of
e law? If he knows not, that even this must have
a proper introduction; which introducing what
omes next, and that connecting what is subse-
quent, his pleading rises into a graceful form, like

the

the human figure, where the hand forms part of the person, the fingers of the hand, and the joints of the fingers?

I say again, that the method of dividing depends upon the stated, defined, subject of the pleading. For, what can one, what can two, what can a hundred, nay, what can a thousand examples avail, amidst such an infinite variety of subjects as occur? All that a master can do is, to be always taking sometimes one subject, sometimes another; and, in each, to shew the order and relation of circumstances, so that his pupil may, by degrees, know how to practise and apply them in other cases; for art is inexhaustible in its effects.

Is there a painter, who knows how to strike out the resemblance of every subject in nature? No; but if he is complete master of the principles and practice of drawing and colouring, he is able to represent any original that comes before him, let it be what it will. An ingenius artist can cast the mould of a vase different from any he ever saw. There is a kind of knowledge that is not to be taught, but may be acquired. A physician knows, in general, the diseases of the human body, the methods of treating, and the symptoms that indicate them. But his own sagacity alone directs him in the judgment he is to form from the beat of the pulse, the hectic motion, quick breathing, and shifting colour.

Great part, therefore, of a pleader's knowledge must come from himself. He is to make himself master of his subject, and he is to remember there was a time when his art was practised without being taught. He will find that the disposition, or what we may call the economy of order, which is so decisive in pleading, can arise only from his attending to the circumstances of the cause he has in hand. These alone can direct him, whether an introduction

ion his proper, or improper; whether the
/e ought to be continued, or divided; whether
uld take up our detail at the beginning, or
omer * in the middle, or, even, at the end of
on ; where a narrative is absolutely impro-
ien we are to begin with our own propositions,
vith those of our adversary, with our strongest
test proofs ; when our cause requires us to
bruptly upon the propositions we are to lay
or when we are to guard them with certain
ry hints ; whether those hints are to be such
instantly seize the affections of the judge,
upon him gently, and by degrees; whether
to refute by the lump, or one allegation after
; whether we are to diffuse the moving pow-
loquence through the whole of our pleading,
ve it to the close ; whether we are to begin
e matter of law, or the matter of equity; whe-
the impeachment we are to begin with urg-
nes, or in the defence with repelling charges
that happened long before the case in ques-
r whether we are not to confine ourselves
to that : If one cause contains a multiplicity
mstances, how we are to arrange them, in
:der we are to produce our evidences, what
s, and of what kind, are to be read during
:ading, and what are to be reserved till it is
Thus an orator acts like an experienced ge-
vho stations his troops so as to answer all the
of war, by appointing some to guard the
thers to garrison the towns, some to escort
agers, and others to secure the passes; in
y making proper dispositions both by sea and

:er] The odyssey and the Æneid enter at the middle of
:t ; but, though the action of the Iliad commences towards
f the siege of Troy, yet the poet, in his detail, has had
introduce almost the whole history of that siege.

No

No man, however, can make such a figure in speaking, but the man who is possessed of genius, learning, and application, foolish is he who thinks to become eloquent only from the brains of another. He who wants to be an orator must ply his studies early and late; undismayed by difficulty, he must renew his efforts, till he grows pale with the labour. His powers, his practice, his manner, is to be all his own. He is not to consult a copy, but be himself an original. His abilities must seem not to be implanted, but innate. Art, if there is an art in eloquence, can soon shew us how to find her. But art can do no more than unfold her beauties; it is through our own vigour that we must enjoy them.

As to the disposition of particular parts, each has its first, second, and third degree of relation to another. And this is not only to be observed, so as to range them properly; but they are to be joined and inlaid so smoothly, that the whole shall seem to be one composition, and of the same materials. This can only be done by our suiting expressions to things, by making words fall in with words, so as each shall strengthen, each shall embellish another. Thus matters, though drawn from topics formerly different and unconnected, far from clashing with one another, shall fall into regularity and agreement; and the members receiving mutual support from each other, shall be combined into a whole, expressive not only of contrivance, but of harmony.

But the subject I have now touched upon, I believe, betrays me to transgress my allotted bounds; for I feel myself sliding from disposition into elocution, which I am to treat of in the next book.

QUINCTILIAN'S

INCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK VIII.

INTRODUCTION.

HE last five books of this work have been
full concerning the principles of invention
lisposition, the thorough knowledge of which is
utely necessary to the practice of eloquence;
to young beginners, it ought to be taught in a
er and more simple method. For such are
deterred by the difficulty of so compli-
and intricate a study, or their spirits are
ssed by the severity of the task, at a time
their capacities require the utmost delicacy of
gement and indulgence. Or, if they make
selves masters of these minute, though thorny,
culars, they think themselves sufficiently qua-
to be orators: or, lastly, pinning themselves
, as it were, to certain modes of speaking, they
every exertion of genius that deviates from
dull round of words. This is the reason
some assign, why the authors, who have
with the greatest accuracy upon this art,
had the most indifferent success in the practice

The

The young pupil, however, ought to be conducted to the path that leads to eloquence, a path that should be rendered plain, accessible, and easy. Let the skilful professor, I have already recommended, chuse, from the whole system of his art, the most edifying precepts, and, at the same time, the most palatable. Let him feed the tender mind with these, without troubling his pupils with the rugged and disputable parts of it; and, as they grow up, they will improve in learning. At first, they ought to believe there is no other road than what is shewn them; and, as they are acquainted with it, they are to believe it likewise to be the best. Now, writers, by their obstinate adherence to their several opinions, have perplexed matters, that, of themselves, are very plain and intelligible. A master, therefore, amidst such various systems, is more puzzled to chuse the most proper, than to teach it after he has chosen it. And particularly, as to the two parts of invention and disposition, the rules are but few; but if the pupil can once make himself master of them, the practice of the rest will soon become very easy and habitual.

What I have hitherto chiefly laboured has been to shew, that rhetoric is the science of speaking well; that it is useful; that it is an art; that it is an excellency or virtue of the mind; and that it is applicable to every subject we can speak to: all which may be reduced to three kinds, the demonstrative, the deliberative, and the judiciary: that all discourses are composed of things and words: that, in things, we are to regard invention; in words, elocution; and in both, arrangement: that these are what the memory ought to retain, and the action display: that the business of an orator is to inform, to move, and to delight: that explaining and arguing are necessary for informing: that emotion belongs

belongs to the passions; and that, though these are to be regarded through the whole of a pleading, yet their great movements ought to prevail chiefly in its beginning and close: that though a hearer has delight, both when his mind is informed, and his passions are touched; yet that delight operates chiefly by elocution: that some questions are general, and others bounded by circumstances of person, place, and time: that in all causes there are three points of inquiry: whether a thing is? what it is? and of what quality it is?

I have likewise shewn, that the demonstrative part of rhetoric consists in praising and reproaching; and here we are to regard what was done by the person who is the subject of our discourse, and what happened after his death; and that, therefore, it treats of whatever is virtuous in itself, or serviceable to mankind: that the deliberative part comprehended conjecture likewise; whether a thing could be done, or whether a thing is possible? I observed, that here we are to consider the characters in which we speak, and before whom we speak, and the propriety of what we say: that, with regard to judiciary controversies, some of them are simple, and others complex; and that, in some of them, we have no more to do than to attack, or to defend: that all defence consists either in denying the fact, or the quality of the fact as charged, or in transferring it to another party: that every question relates either to a matter of fact, or of law: that matters of fact are determined according to their credibility, their circumstances, or their quality; and matters of law by the import of the words, or the meaning of the legislature: and this contains a minute discussion of motives and actions; whatever regards the letter of the law, or its meaning, with whatever

turns

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notion of being more graceful. Now, in my opinion, gracefulness is the greatest charm in eloquence; but it must be natural, and not affected. A vigorous body, whose complexion is flushed with health, and whose limbs are strengthened by exercise, receives its beauty and its strength from the same causes. The colour is florid, the joints firm, the arms musculous; but let the same body be smoothed out, plumped up, painted and curled like a woman, the very pains that are taken to make it agreeable, render it detestable. The stately robe, and portly air (as a Greek observes), impresses authority and respect. But an appearance languishing and effeminate does not adorn the body, but exposes the mind. In like manner, an eloquence that is flimsy, glossy, and glittering, enervates the subjects it is meant to cloath.

About words, therefore, be careful; but about things, anxious. Now the best set of words are those that arise from things, or from the subject, and from that receive the lustre they communicate; but we hunt after words, as if they were retired into creeks and corners, and wanted to keep out of our sight. Thus we never reflect, that the matter we speak to is always ready to supply us with expressions; but we first look for them in strange places, and, when we find them, we twist and torture them from their natural meaning. Eloquence requires a more exalted genius; and, provided the whole of her appearance be strong and vigorous, she minds not the scraping of the nails, or the fashion of the hair.

But it generally happens that this finical curiosity spoils a style of language. For words, the less they are forced, are so much the better; because they have, thereby, the greater resemblance to truth and simplicity. But, expressions professedly nice, and far-fetched,

ar-fetched, carry, in their very sound, stiffness, and affectation; and, far from being graceful, they create distrust in the hearer, by clouding, as it were, his senses; and, like rank weeds, they choak the rising corn. For, instead of coming directly to the point, our love of words leads us round and round it. Instead of stopping, when we have said enough, we repeat the same things over and over; when one word would make a thing clear, we cloud it with a thousand; and we make a ridiculous emphasis often supply the place of an intelligible expression. A shame it is, thus to disregard propriety and nature, and to think it incompatible with eloquence to make use of an expression that others have used before! Our figures and metaphors we borrow from the vilest of poets; and we measure our own capacities by the greatness of capacity that is required to understand us.

Cicero, however, is expressly of opinion, "that in eloquence the most dreadful blunder that can be committed is, to deviate into abstruse expressions, out of the beaten track of common sense." But, says a modern, "Cicero was a pedant; he had no genius, taste, or learning. We are the fine gentlemen; for we nauseate every thing that nature creates. We love not a style that is ornamented, but bedizened." Strange infatuation! to believe that words can have any beauty, but by being fitted to their subject. Nay, if this fitness does not fall in of course, were we to spend our whole life-time on them, vain would all our endeavours be to give them propriety, perspicuity, beauty, and proportion. Mean while, the whole labour of modern orators is employed in hunting after single words, and, after they catch them, in weighing and measuring their meaning. Supposing they were always sure of employing only the best expressions, yet a curse upon the

the success,* if purchased by doubts and delays, that cripple the career of eloquence, and damp the warmth of imagination. Wretched, and, I may say, poor, must that orator be, who cannot afford to lose a single word without repining. But he cannot lose it, if he is well grounded in the principles of eloquence. For, application to well-chosen books will furnish him with a large stock of words, and instruct him in the art of placing them properly. And these advantages will be so improved by daily practice, that he never can be at a loss, either to find or to apply them.

To an orator, who follows this method, things and expressions will present themselves at the same time. But to this purpose he must be prepared by study; he must have earned, and, as it were, stored up, the means of speaking. All the trouble of examining, judging, and comparing, must be over before we come to the bar. An orator who does not lay a foundation in study, like a man who has no substance in reserve, is perpetually at a loss how to proceed. If an orator is prepared with the requisites of speaking, every word will, without being called for, know its duty, and be as obsequious to his meaning as the shadow is to the substance.

Yet, even in this preparation, we ought to know when we have done enough. When we are provided with words that are proper, significant, beautiful, and fitly disposed, what can we require farther? Yet the capriciousness of some people has no bounds; they dwell upon, almost, every syllable; and, when they have the very best of expressions to convey their meaning, they still hanker after somewhat that is more antique, more curious, and more

* [Orig.] Abominanda tamen hæc infœlicitas erat. But, if we change infœlicitas for fœlicitas, the sense will be much better,

surprizing;

izing; without reflecting, that the sense is most
ing, where the words are most admired.
e cannot, upon the whole, be too careful of our
; but, still remembering that we are to say
ing for the sake of words; for words were in-
ed, only, for the sake of things: and that their
est merit lies in expressing our sentiments with
reatest efficacy, and bringing the hearer over to
r the cause we espouse. They ought, indeed,
rike and to captivate; but we are not to be
k so as we are at the sight of a monster of
re, nor to be captivated so as we are with dis-
st pleasure; for their beauty ought to be such
expressive of virtuous dignity.

CHAP. I.

RNING WHAT IS GENERALLY REQUISITE IN ELOCUTION,

OCUTION regards either single words or sen-
s. It requires single words to be pure, perspi-
s, ornamented, and fit for our purpose. It
res sentences to be correct, well-placed, and
ated. Now in my first book, when I touched
grammar, I laid down rules for the purity and
ity of language; but there I only cautioned
st the errors of speaking, and here it is proper
uld recommend to my reader, that his style
d be as little foreign or outlandish as possible.
now many who are masters of language, and
heir style is rather finical, than pure. Theo-
tus, one of the best speakers in the world, was
l out to be a foreigner, by an old woman of
ns, who observed his affectation of a single
; and being asked how she found it out, she
said

said, it was by his over-atticism. And Pollio A nius, thought that Titus Livius, a man of wonde eloquence, retained in his style a certain Pativin Therefore we ought, if we possibly can, to bring language and pronunciation to that purity, that t may seem to be the natives of our country, and naturalized into her.

CHAP. II.

CONCERNING PERSPICUITY.

PROPRIETY of expression contributes the n to give it perspicuity; but propriety is taker more senses than one; for at first sight, the name of a thing is its proper name, and yet sometimes avoid to express it; for instance, if obscene, dirty, and mean; because there is a m ness that is below all dignity or character. here some are ridiculous enough to reject all pressions that are usual, nay, necessary to their ject. Thus a certain pleader talked about Spa shrubs, without one of the court knowing wha meant, till Cassius Severus, to expose his affecta told them that he meant a bulrush; nor can I how the famous orator, who made use of the pression, fishes hardened by smoak, * betterec words which he industriously avoided.

But there is no great merit in keeping to propriety, that adapts words to things. Ther however a fault, the very reverse of that, whic

* [Orig. Duratos muria pisces] There is a great diff here in the original, but the speaker was certainly talking o or pickled herrings, or some such fish.

call impropriety, and which associates a word with an opposite idea; thus virgil says,

—To hope for so much pain.*

And in an oration of Dolabella, I observed the expression, He carried Death,† to signify he died.

But though a thing may not have a proper term annexed to it, yet the term annexed to it may for all that not be improper. To ‡ lance a man, is the proper term of an operation performed with that instrument, but we originally had no such term annexed to the same operation, when performed by another instrument, such as a knife or a sword. We say, to stone a person, when we throw stones at him,

* The text of my author is so corrupted, that one cannot really venture to pronounce upon what is his, and what is not. The remark here upon Virgil, however, if it is his (as I believe it is not), does no great honour to his taste. Such an association of ideas as Virgil gives us an example of in this passage, is perhaps one of the greatest beauties in poetry; and I am not sure whether it is not one species of writing, in which the English have excelled the antients themselves. The association of ideas which we meet with in Milton, where he says, Death

Grinn'd horribly a ghastly smile——

is of the same kind as this of Virgil; but it presents us with a portrait that perhaps never was equalled in so few words. To enjoy grief, is of the same kind, and thousands of the same sort may be found in the works of our best poets.

† [Orig. Mortem ferre] Which is a very common expression in speaking of another; ejus mortem fert familiater. But perhaps the impropriety lay in its being applyed to a man putting himself to death. The margin of Stephen's edition, instead of mortem, has morem, which seems to be the true reading; and then our author seems to blame the substitution of an improper word. Morem ferre, for morem gerere; as if we should say in English, to be acquitted of obedience, instead of, to pay obedience. I have omitted the two lines that follow in the original, because the reading of them is desperate, and were it not, the sense of them could be of no service to an English reader.

‡ [Orig.] Nam & qui jaculum emittit, jaculari dicitur: qui illam aut sudem, appellatione privatim sibi assignata caret.

but

but we cannot in strict propriety say, we stoned him with dirt or rubbish. Abuses however of this kind are sometimes necessarily applied. For metaphorical speaking, which is one of the greatest embellishments of language, is no other than applying to one thing, the term that originally was appointed to another. Propriety of speech therefore does not relate to words but to their significations. We are to judge of it, not by the ear, but by the understanding. In the second place, we call a word proper, though it belongs to several things, but particularly to one thing, from which it is appropriated to the rest. Thus the word Top * originally signified a boy's play-thing, put into a gyral motion; from thence the upper part of the head, where the hairs grow in a gyral form, received the same term; and from that it was communicated to the highest part of a mountain. Now all these are very rightly called Tops, though originally and properly it signified only the boy's play-thing. Thus there is a fish we call a Sole, from its flatness, and resemblance to the sole of the foot.

There is yet a third and a different manner; when one particular thing is distinguished by a word that is in common to many. Thus a Howl †, in some countries, signifies, by way of distinction, a noise made at funerals, and the word Flag is appropriated to the ornament of a capital ship. In like manner,

* [Top] The Latin here is vertex, and answers in every respect to our word Top, which is of Celtic original, and was retained by the Tuscans, Germans, and Britons. The whole passage in the original is, ut vertex est contorta in se aqua, vel quicquid aliud similiter vertitur. Inde propter flexum capillorum, pars est summa capitis, & ex hoc quod est in montibus eminentissimum. Recte inquam dixeris hæc omnia vertices, proprie tamen unde initium est.

† [Howl] The translation here answers tolerably well, which is, ut carmen funebre proprie Nænia: & tabernaculum ducis, Augustale.

certain

certain words are appropriated to many objects, and peculiarly understood of one; for example, The town was understoood to be Rome, a boy is understood to be a servant, and bronzes, to be figures in brass; though none of the words, solely and necessarily imply what they stand for; but all this calls for very little of the orator's abilities.

There is, however, another kind of propriety, that I greatly regard, and consists in its being so significant, that it is characteristical of its subject. Thus Cato said, " that Caius Cæsar came soberly to destroy his country." Virgil speaks of a fine-spun line, and Horace of the shrill pipe, and of the direful Hannibal.* Under this head some rank epithets, or properties expressive of things, as pleasant wine, white teeth. But of these I am to treat elsewhere. A happy metaphor is likewise ranked under the head of propriety, and sometimes a person is best known by the most striking part of his character, which is applied to him with propriety. Thus, though Fabius had many characters of a great general, yet his characteristic was, The Delayer.

Some may think that the emphatic manner by which more is understood than is expressed, ought to come under the head of perspicuity. But I chuse to refer it till I treat of the ornaments of style, because it does not communicate intelligence to language, but improves it.

Obscurity attends obsolete words. Thus, were a man to peruse the diaries of the priests, our antient leagues, and our very old authors, he might com-

* I thought fit to translate these examples, though it must be owned that there is a propriety in the original, acer, and dirus, which the English does not come up to. The original of the whole is, Ut Cato dixit C. Cæsarem ad evertendam rempublicam sobrium accessisse: ut Virgilius deductum Carmen, & Horatius acrem Tibiam, Hannibalemque dirum.

pose

pose an unintelligible style of language. For in fact, some people are desirous of being thought learned, by possessing a knowledge unknown to all but themselves. We may likewise become obscure by making use of terms that are peculiar to countries, or trades. When we are speaking to a person who is not acquainted with such terms, we ought either to explain them, or to avoid them. We ought to observe the same rule with regard to a term that may be several ways applied. Thus, the word bull is applied to an animal; at the same time it is a way of speaking, a man's name, and an instrument in writing.

Obscurity, however, is of the greatest importance, and occasions the most mistakes when it is contained in the structure and thread of a discourse. Our periods, therefore, ought not to be so long, as that the attention of a hearer cannot keep up with them; nor our words so disordered, as to take some time to replace them so, as to make sense of them. A confusion of words is still worse, and of this we have an example in virgil*. A parenthesis intervening in the middle of a discourse, is apt to perplex the sense, unless it is short, and yet parentheses are common with poets and orators. We have an example of a parenthesis in Virgil,† when describing a colt, he says,

Nor dreads he empty sounds;

after a parenthesis of four lines, he resumes his subject in the fifth,‡

Impatient at the din of distant war.

As I observed before, we are to shun, above all things, such a placing of words as puzzles the sense.

* [Virgil] Saxa vocant Itali, mediis quæ in fluctibus aras.
† Nec vanos horret strepitus.
‡ ——Tum siqua sonum procul arma dederę.
Stare loco nescit.——

For example, "Chremes,* Demea, I hear, has "beat thee;" and likewise such a disposition as, though it does not disturb the sense, yet may create a pause. For instance, if I should say, "I have seen a "man a letter writing."† For though upon reflection it is very plain that the man writes the letter, yet still it requires a pause to understand the words in that sense, and in fact they are as ill placed as possibly they can be.

Some are troubled with a flux of empty words; and that they may avoid speaking as others do, misled by false notions of elegance, they wrap up the plainest meaning in circumlocutions, then tacking one long period to another, and making that run to a third, they extend the whole beyond what a man's breath can compass without drawing it. They take pains to bring upon themselves this disease of verbosity; and, to say the truth, it is of an old standing. For I find that Livy‡ mentions a professor, who enjoined his pupils to darken, as he called it, from the Greeks,§ every thing they said; and the highest commendation he could give a scholar was, well done, my lad, that exceeds even my comprehension."

Others, fond of brevity, retrench from their style even words that are necessary; and, pleased that they know their own meaning, never consult the satisfaction of others. For my own part, I think all discourse idle, if it requires an interpreter.

But the worst of all clouds arises, when plain

* Chremetem audivi percussisse Demeam.

† Visum à se hominem librum scribentem. But as these words stand, I see nothing to be blamed. I am therefore of opinion with the learned Chifletius, that they ought to be placed visum à se librum hominem scribentem, and according to this last arrangement I have translated them.

‡ In Quinctilian's time some letters of Livy were extant, from which this ancedote probably was taken.

§ Orig. σκοτινον.

words

words have a mysterious sense; for example, "He hired* a blind man to observe the passers-by." Thus, when a person gnaws his own limbs, he is in school terms said, "To lie above himself.†" Such sayings are thought to be ingenious and strong, and to borrow eloquence from ambiguity. Nay, many are firmly persuaded, that there is no elegance or beauty of diction, but that which requires an interpreter; even some hearers are pleased with this manner, because when they discover a meaning in it, they are proud of their own capacity, and exult, not that they heard the thing, but they solved the difficulty.

For my own part, the first properties I require in a style are perspicuity, fitting words, natural order, and a well turned period, so that nothing in it may be wanting, and nothing superfluous. Such are the characters that render a style pleasing to the learned, and profitable to the ignorant. Thus much I thought proper to say with regard to elocution. For as to the rules for attaining to perspicuity, I have already laid them down, when I treated of the narrative, but all are managed in the same manner. For if a period is neither defective, nor redundant in words; if it is neither confused nor clouded, it must be dis-

* [Orig.] Conductus est cæcus secus viam stare. The Abbe Gedoyn has not translated this example, which has in it an audible gingle, and though commentators have given the meaning of it up, as desperate, yet our author very probably took it from some writer, who meant thereby to express, that some person or other threw out money as idly as if he had given it, to hire a blind beggar to beg; or, in the sense that I have translated it, he means one who had thrown out money to hire one for a spy, who could not make a common observation in life.

† [Orig.] Supra se cubasse. This example is likewise held by commentators to be desperate, though I think we may find out the concealed meaning, by having recourse to the 13th ode of the I Lib. of Horace, where the ardor of a lover is described by making the blood come from the lips of his mistress; see the note 1 Cap. 59, lib. 3. In my translation of Cicero's character of an Orator, where this expression is farther explained.

tinct

tinct and plain, let the hearer give it but an indifferent degree of attention. We are likewise to reflect that a judge is not always so extremely desirous to understand what he hears, as that he will employ the force of his own understanding to clear up an obscurity, or apply all his mental powers to enlighten the darkness of a pleader's style; that he has many avocations to divert his thoughts, and that, therefore, whatever we say ought to have an effect upon his mind, such as light has upon our eyes, though they are not turned towards the sun. We are to take care, therefore, that we not only render ourselves understood, but that we render it impossible that we should not be understood; for this reason it is that orators often repeat, when they think that they are not sufficiently understood; "I have not been clear enough in my representation of this matter. It is my fault if you do not understand it; I will therefore endeavour to explain it in clearer and more inteligible terms." And this is a manner which is always best received, when the orator takes all the blame upon himself, for not explaining the matter sufficiently at first.

CHAP. XI.

CONCERNING THE EMBELLISHMENTS OF STYLE.

That all Embellishment ought to be manly, not effeminate.—That it ought to be marked according to the Subject.—Concerning the Choice of Words.—Of Words venerable by their Antiquity.—Concerning Words that are made, and metaphorical Expressions.—Concerning false Ornaments of Speech.—Of representing or painting an Object.—Concerning Similies.—Of Quickness of Description and Emphasis.

I AM now to speak of the embellishments or ornaments of style; and here an orator, doubtless, may give a freer play to his own fancy, than he can

distances. Observe that quincunx, how beautiful it is; view it on every side; what can you observe more strait, or more graceful? Regularity and arrangement even improves the soil, because the juices rise more regularly to nourish what it bears. Should I observe the branches of yonder olive-tree shooting into luxuriancy, I instantly should lop it; th effect is, it would form itself into a horizontal circle, which at once adds to its beauty, and improves its bearing. See yonder horse, how short his back; how beautiful it renders him, and, at the same time, how serviceable! How distinct are the veins, how well marked is the muscleing of the practised wrestler! It adds, you say, to the comeliness of his form; and I say, that it likewise denotes his agility and strength. True beauty can never be separated from real utility; and this we may perceive from a very moderate degree of observation.

But here it is very proper to observe, that even the manly, the graceful, ornaments I have mentioned are to be varied according to the nature of our subject. That I may return to my first division: the same ornaments do not suit demonstrative, deliberate, and judiciary, causes. For when a speaker wants only, what we call, to shew away, his whole purpose is to charm his audience; he therefore unlocks all the stores of his art, he displays the ornaments of eloquence; he avows his intention, which is not to be crown'd with success in his cause, but with wonder and applause in his pleading. Therefore, as a shopkeeper does his wares, he will expose to the eyes, and almost to the touch, of his customers, every pomp of sentiment, every blaze of language, every beauty of figures, every richness of metaphor, and every elégance of composition; because he does not speak to carry his cause, but to recommend himself. But

when

hen we are about business, when we are pleading good earnest, our own glory should be last in our oughts.

It therefore ill becomes a pleader to be nice and cu-ous in the choice of his words, when he is engaged an affair of the utmost importance. Not that I say, en then, he is to disregard all ornament, but that it ould be more chaste, more severe, and less glaring, an at other times; and above all other considera-ons, let it be suited to his subject. The senate re-uires a sublime, and the people a spirited, style of eading; and in courts, upon matters of property, e, and reputation, we are to speak in the most grave d accurate manner. But in petty causes, and in eadings of very little consequence (for many such ppen), it is enough if our manner is simple and na-ral. Must not a pleader be asham'd to employ a mp of periods in recovering a paultry debt? Or attempt to touch the passions, while he is talking out his neighbour's drain? Or to work himself up to enthusiasm, while he is describing the fault of a ughty slave? But to return to my subject.

Having observed that the ornament, as well as per-icuity, of style, consists either in single words, or ntences, I come now to consider how each is to be anaged.

It is true that perspicuity chiefly requires expres-ons that are proper; and ornament, those that are etaphorical. But I am to observe at the same time, at nothing improper can admit of ornament. Very ten several words have the same signification (and ese we call synonymous words), and yet some words e more graceful, some more sublime, some more illiant, some more agreeable, and some better unding than others. I say, better sounding; for, syllables composed of the best sounding letters are earest in the pronunciation, the same observation holds

holds with regard to words composed of the best sounding syllables; and the fuller a word is pronounced, it is the more pleasing to the ear. Now the combination of words into sentences has the same effect, as that of syllables into words; for this word joined to that may have a much better sound, than if it was joined to any other.

We ought, however, to employ words according to our subject. In matters of horror, we are to harrow up the souls of the audience by the terrors of expression. And indeed it is a general rule with regard to single words, to prefer those which are the most sonorous, and the most sweet in the pronunciation. Genteel expressions, too, are always preferable to coarse ones; and a polite style never admits into it any thing that is indecent. We are to employ the pomp and elevation of expression, as our subject shall direct us. For that which, on one occasion, may appear truly sublime, may, on another, be mere bombast; and that which in an important subject might seem mean, if applied to an indifferent one may be proper. But as a servile word appears a disgrace, and as it were, a blot, in an elevated style, so sublimity and splendor are inconsistent with a plain style. For they spoil it, by appearing, as it were, excresences from a body that should be smooth.

There are some proprieties of style, which may be easily perceived, but cannot be accounted for, thus Virgil says:* Cæso

* This is a very fine observation, and cannot fail to touch every reader of true taste, either in verse or prose. And the thing seems to be owing to the ideas, which, in certain languages, are annexed to certain words. The very example before us is an eminent proof of what I say. In English we call the male of the sow, a boar, and the Latins call it porcus. Now Quinctilian says, that had Virgil, upon this occasion, sacrificed a boar, the image would have been ludicrous, but by killing a sow it is elegant. This happens to be the very reverse in the English tongue. For an English poet

————Cæsa jungebant fœdera porca.

By making free with the word porca, he renders elegant a circumstance, which would have been mean had he kept the word porco. In some cases, the reason of this ridicule is evident. We used very often to laugh at the poet, who introduced the following line:

The boyish mice his robes embroider'd gnaw'd.*

Yet we admire Virgil when he says,

———— Oft the tiny mouse.†

For the word tiny is proper for the subject, which is thereby painted as diminutively as possible; and it receives additional graces by its being put in the singular number, and by the line ending by so short a word, which in the original gives it an unusual cadence. Horace observed and imitated the same beauty, when he says,

And the huge mountain bears a foolish mouse.‡

An orator, however, is not, in speaking, always to keep up the dignity of style. For sometimes he is to lower it, because the meanness of a word often gives

poet, with Virgil's judgment, would most certainly have sacrificed the boar, even though the sow had been the proper sacrifice. The reader may judge for himself.

Their faith they plighted, and they slew the boar.

In the other manner:

Their faith they plighted, and they slew the sow.

But how much more ludicrous is the image, should an English writer fall upon the word that signifies both a sow and a boar, a circumstance which Virgil thought himself happy in, for I find the word porca signifies both, and say:

Their faith they plighted, and they slew the pig.

I might, from English authors, multiply a vast number of quotations to justify our author's observation; but I think what is said is sufficient.

* Orig. Prætextam in cista mures rosere camilli. I must here acquaint my readers, that the word camilli contains an amphibolia; for it may either be the genitive of camillus, or it may be the nominative plural of camillus, which signifies a young boy who attended sacrifices.

† Orig. Sæpe exignus mus.

‡ Orig. Nascetur ridiculus mus.

energy to expression. When Cicero says to Piso, "When all your family, sir, was carried to you in one dung-cart;"* the last is a mean word, but does he not thereby render the man he was prosecuting the more effectually contemptible? In another place he says to him, "you oppose your skull to that of your adversary, and you fall a butting with him."† Some jokes do very well with people of the meanest capacities. Thus Cicero says of Clodius, "and, like a little master as he is, he pigged in every night with his great sister."‡ In like manner, speaking of Cneius Flavius, he says, "he picked out the eyes of those crows, the lawyers."§ In his pleading for Milo he says, "You Ruscio, you Casca, take care you don't lye." And I remember, when I was at school, such vulgarities were greatly in vogue. Nothing was more common for us, in one of our declamations, than to say, "bestow upon your father the bread that you throw to your dogs and your bitches." But this low manner, unless it is very happily hit off, is always dangerous, and often ridiculous; especially at this time, when people, with regard to words, are so ridiculously squeamish, that a great part of our language seems to be amputated.

Now, all words in a language are either proper, made, or metaphorical. Age gives dignity to the proper. For words not in common use impress an awe and a sanction upon a style, for which reason, Virgil, by his wonderful penetration avails himself of this advantage; for the obsolete ‖ words with which he dashes his poem, gives his lines that inimitable mellowness, which is so pleasing in poetry

* Orig. Quum tibi tota cognatio in sarraco advehatur.
† Orig. Caput opponis cum eo coniscans.
‡ Orig. Pusio qui cum majore sorore cubitavit.
§ Orig. Qui cornicum oculos confixit.
‖ Olli, Quia nam, &c.

s well as in painting, and which age alone can communicate. But we are to be cautious in the use of ld words; nor ought we to bring them from the nost remote antiquity. I will not in prose say, a ropine, instead of a present, nor sooth, for truth; or all such affectation is ridiculous. Why should I ay, whilk, when I can say, which? Even methinks ow sounds foolish. I conjecture, is still tolerable. Ie raised up seed, is too solemn; and, his whole rogenitorship,* is pedantic. In short, the whole of ur language has undergone an alteration. Some ld words, however, are more grateful through antiuity, and others are necessary to our language, nd a judicious use of them has an excellent effect; ut affectation by all means is to be avoided. Viril† has left us an epigram, in which he rallies this

* [Progenitorship] I have done my best in translating this very ifficult passage, to retain the sense of the instances produced by ur author. Upon an attentive view, however, of my author's eaning, I cannot believe that he absolutely condemns the use of se last four expressions, but rather condemns the levity of the ge, for throwing them into desuetude. The truth is, the Latin nguage had undergone great revolutions between the time of icero and Quinctilian. For though we have little or nothing at is barbarous or affected in the style of Paterculus, Seneca, acitus, and other writers within that period, but on the contrary, great beauties as any that are to be found in Cicero, nay, me may think greater; yet I cannot be persuaded, that the oman noblemen or gentlemen in general, either pleaded or rote with the same propriety. This appears by many accidental agments, that are still extant, as well as by our author's obserations.

As this translation is entirely designed for the use of English aders, it is proper I should observe that the rules he lays down e applicable to the English.

† [Virgil] I have omitted the epigram here spoken of, because e reading is so depraved that it is unintelligible; and I have kewise omitted translating great part of this chapter, because it applicable to the Latin language only, and can be of no manner use to an English reader.

affectation

affectation of antiquity with great humour. Even Sallust himself is reflected upon, in the following epigram:

Thou that Jugurtha's story didst compile,
And from old Cato pilfer'dst half thy style.

The truth is, this is a most ungrateful task, for it is what the very worst speakers may practise, and the worst is, that people who have this turn are so far from adapting their expressions to their subject, that they go round and round for subjects that may introduce their expressions.

The Greeks have great opportunities from the genius of their language, to coin words, and sometimes they make expressions according to sounds and affections, in the same manner as the first inventors of language gave names to things according to their several properties or appearances. But when we take this liberty, either in compounding or adopting words, we very seldom succeed in it. I remember, when I was a young man, there was a great dispute between Pomponius and Seneca, about some words compounded of verbs; but Cicero was of opinion, that though such words at first might appear harsh, yet practice would soon reconcile them to the ear. Nay, that great orator has coined verbs out of proper names; to sullalize,* for instance; Asinius has done the same.†

We have many new words from the Greek, and a great many from Sergius Flavius, but they are not much relished, though I do not see for what reason, but because we are willing to condemn ourselves to a perpetual poverty of language. Meanwhile, some words make their way in our language; for those

* Orig. Sallaturit, meaning that Pompey wanted to copy after Sylla.

† Fimbriaturit, Figulaturit.

which

which are now old, once were new, and some that are now current are of a very late standing.

We are therefore sometimes to strike a bold stroke; or I cannot agree with Celsus in thinking, that an orator is not at liberty to coin a word. For, as Cicero says, some words are radical, and had their present signification from the beginning of language. Others have been formed from those radical words; and though we cannot alter the original signification of them from what was given them by our rude ancestors, yet I know no period that debarred us from the power of deriving, declining, and compounding them, in the same manner as their descendants did. Nay, supposing that we are afraid of being too hardy in coining a word, there are ways to take off the imputation of rashness by prefacing it with, If I may so speak; if the expression is allowed; in a manner; give me leave to make use of that expression. These precautions do service when a metaphor seems a little too bold; and indeed in that case, a speaker is not safe without them, at least they show that our judgment is not imposed upon, and that we suspect we may have gone too far.

As to metaphors, their propriety can only be determined according to the thread of a discourse. I have therefore said enough concerning single words, which, as I have observed in another place, considered of themselves, are lame and imperfect, but they never are void of ornament, unless they are below the dignity of their subject, or flatly obscene. I know there are some, who think that, naturally, there is no such thing as an indecent expression, and therefore no word ought to be avoided, and that if there is any indecency in the subject, the meaning is still conveyed to us, though we make use of circumlocutory expressions. For my own part, satisfied as I am with those forms of decency now

practised

practised in my country, I am (as I said on another occasion) for vindicating her modesty by silence. But now I proceed to consider words as they stand connected with one another in sentences.

Their ornament consists in observing two capital points; first, in impressing ourselves with the idea of the eloquence we are to make use of; and secondly, in making ourselves master of its practice. Here, the first requisite is to consider, what we are to amplify, and what we are to diminish; when we are to speak with spirit, and when with calmness; whether we are to speak in a manner that is chearful or severe, flowing or concise, sharp or gentle, sublime or minute, grave or gay? We are next to consider what kind of metaphors, figures, sentiments, management and arrangement we are to employ, in order to effect our purpose. But as I am to treat of the ornaments of style, it is proper I should first show its depravities; for the first step to excellency is to be free from blemishes.

I am therefore to premise, that no style can admit of ornament, if it is destitute of probability. Now, Cicero defines a probable style to be that which employs neither more nor fewer words than it ought. Not that he is against neatness and polishing, for that is part of the ornament of a style; but he thinks that all excesses are blemishes. He therefore requires expressions to have weight and authority, and such sentiments as are either solid in themselves, or such as are suited to the opinions and manners of mankind. These requisites being secured, he is then for giving the speaker liberty to employ all the means which he thinks can embellish his style; metaphors, heightnings, epithets, descriptions, words that are synonymous, nay, a manner in imitation of the very subject he treats of.

But,

But, as I undertake to point out the blemishes of style, let me first recommend it to avoid all indecencies of expression; nay, to pay so much regard to general though erroneous prepossessions, as to avoid the use of a word, that originally was chaste and pure, if, in time, any obscene or loose ideas shall be annexed to it.* In like manner it is decent to avoid all conjunctions of syllables, let the subject be ever so innocent, that in the expression suggest any thing that may be mistaken or wrested into looseness; nay, a lewd thing sometimes may be implied, even by concealing it; for men, as Ovid says,

Are apt to love a thing because 'tis hid.

And indeed this may be the case, where both expressions and the meaning are perfectly pure and innocent. And yet I am not for carrying this delicacy too far, for if we think with Celsus, that the line in Virgil,

The agitated sea begins to swell,

conveys an indecent idea, I know no such thing as chastity in writing or speaking.

* Though this is a very proper caution, yet the nature of the Latin language makes our author insist more against it, than there is any occasion to do in this translation. He gives us in particular two examples from Sallust, which the ingenious depravity of his age was apt to construe into obscenity; the first is, ductare exercitum, and patrare bellum. Now though the word ductare in Sallust's time signified no more than to conduct, yet it came in the days of our author to signify, to pimp. As to the expression, patrare bellum, the obscenity seems to lie only in the word bellum, which signifies a handsome person, as well as a war. I need not enlarge on this subject, or inform my reader, that it is impossible, as it would be immaterial, to translate the other examples our author brings on this occasion.

I cannot however finish this note without observing the excessive decency of the ancient Romans in their expressions. They banished out of their language the word intercapedo, because the two last syllables form a verb that has an indecent signification, but they used the word in other cases. I could from my author bring instances of other delicacies of that kind; but I have been contented with translating his meaning in this paragraph.

Next to obscenity, a meanness of expression is to be avoided; for thereby the greatness or dignity of a thing is diminished. For example: on the summit of yonder mountain there is a stony wart. Opposite to this, but equally absurd in its nature, is the manner of swelling a small matter with pompous terms, unless you design to turn them into ridicule. Upon the whole, therefore, we are not to call a parricide a roguish fellow; nor a young man who loves a girl, an atrocious ruffian; because the first term is too weak, and the latter too strong. We are, next, to guard against all dulness, sordity, dryness, whining, harshness, and vulgarity of style. All these blemishes are best discovered by their opposites, which are briskness, neatness, richness, chearfulness, gaiety, and chastity in speaking.

We are likewise to avoid a curtailed style, by which our discourse becomes defective, and our expressions scanty. This, however, is a blemish in point of perspicuity, rather than in point of ornament. But sometimes it is a matter of prudence, only half to express a thing; and we may say the same thing of tautology, which is a repetition of the same words, and the same expressions, or sentiments. This sometimes has a bad effect, though several very great authors have not been at great pains to guard against it. Cicero, as disdaining the minuteness of criticism, often falls into it; for instance, when he says, my lords the judges, this was a judgment not only unlike a judgment—Therefore, this manner of repetition may have its beauties, and is indeed one of the figures of speech; and I shall give examples of it when I come to point out their excellencies.*

* I believe my reader will scarcely be of opinion, that the tautology our author here speaks of is quite the same with what we understand by that expression, which in English admits of no kind of apology, and seems to be a compound of the manners he mentions in this and the following paragraph.

Of

Of a worse kind than this is a sameness of expression, which reliéves us by no variety, but proceeds all upon one dead flat, and is distinguished only by being disagreeable and void of art; for the repetition and drawling of periods, figures, and composition, is not only painful to the mind, but to the ears.

We are likewise to avoid prolixity, that is, the spinning out a circumstance to a greater length than is needful; an example of which we have in Livy. The embassadors, says he, failing in their design, returned home: they went back to the place from whence they came. But the enforcing a thing by a kind of vehemence, though very near akin to prolixity, is sometimes an excellency.

A pleonasm is likewise a blemish in style, because it loads a discourse with needless words. For example, I saw it with my eyes. I saw it, had been enough. Cicero, with great humour, corrected Hirtius, who, in declaiming against Pansa,* fell into a slip of this kind; for Hirtius mentioned a mother, who, for ten months, had carried her son in her belly; belike, said he, then, other mothers carry their sons in budgets before they bear them. A pleonasm, however, sometimes increases the energy of a narrative; as Virgil says,

These ears drew in the sound.

But all pleonasms are blemishes, when they are idle and superfluous, and convey no additional meaning.

There is likewise a fault in over-doing, by which I mean, employing superfluous pains; which is as different from the finishing of a style, as foppery † is from neatness, or superstition from religion. To say it all at once: every word, that contributes nei-

* Hirtius and Pansa studied eloquence under Cicero.

† Utà diligenti curiosus.

ther

ther to sense nor ornament, may be called a blemish in a style.

Affectation is the poison of every style; for it comprehends whatever is swelling, whatever is finical, whatever is loathsome, luxurious, impertinent, and unequal in speaking. In short, affectation is an endeavour to better what is best, and always results from want of judgment, and our being imposed upon by false appearances. And, of all blemishes in eloquence, it is the most blameful. Other blemishes we avoid, but this we court: and it consists wholly in elocution.

Folly, trifling, contradiction, and over-doing, are blemishes that affect things; but the vices that corrupt a style lie in impropriety, redundancy, the difficult meaning and the jolting composure of expressions, or a boyish playing upon words of the same kind, or ambiguous meaning. But, tho' all affectation is a blemish, yet all blemishes do not lie in affectation. Because a man may speak so as quite to mistake the nature of his case; he may speak what is improper, and he may speak what is superfluous.

There are as many ways of corrupting, as there are of embellishing, a style. But of this I have treated more fully in another work; yet I shall not forbear to touch frequently upon it in this. For I I shall take all occasions to do it, when, speaking of the ornaments of style, I shall be led to point out its blemishes, and the resemblance they bear to its beauties. Now, the beauties of style are disfigured by an improper disposition of a discourse, by an ignorant or injudicious use of figures, and by a harshness of periods. But I have already treated of disposition, and I shall have an opportunity to speak of figures and composition. There is, amongst the Greeks, a blemish, which consists in a writer's confounding their different dialects; for instance, the

Doric

Doric with the Attic, and the Ionian with the Æolic. We are liable to a like confusion, if we mingle lofty expressions with mean ones, antiquated with modern words, and the flights of poetry with the creepings of prose. Such a medley would produce a monster like that of Horace, mentioned in the first line of his art of poetry.

Should on a horse's neck, a painter place
The form and features of a human face.

The ornaments of style raise it above the character of either perspicuity or probability. The first step towards it is, a vigorous conception; next is, a proper expression; and this leads to a third, which consists in the embellishment of both, and is what we properly term ornament. As the force of colouring (which I have taken notice of in the rules I have laid down concerning the narrative), is of more efficacy than a bare delineation; or, as some express it, as representation excels perspicuity; the former realizing, the latter only describing, the object; I, therefore, reckon representation among the ornaments of style. There is a great beauty in describing a thing in so lively a manner, as to make us think, we actually see it. For eloquence does not exert all her powers, or assert her dominion to the full, if she informs us through the ears only, by giving the judge a bare narrative of the matter that is to be tried, without drawing and colouring it, so as to strike the mental eye. But, as this excellency is effected in various manners, which some through ostentation affect to multiply, I shall not descend into every minuteness, but only touch upon the most capital beauties.

The first is, placing the object in our full view by a happy touch of the pen. Thus Virgil, describing the two champions, says,

Each stood erect, impending o'er his foe,
Quick or to aim, or ward, the fatal blow—

with

with all that follows, and which gives us as lively a representation of the boxing-match, as if we really were spectators of it. This manner of painting was one of the many excellences that Cicero possessed as an orator. Can any imagination be so cold as not to see Verres in the following description? "Upon the shore, stood the Roman prætor, dressed in rich buskins, a purple cloak, thrown cross his shoulders, above a flowing robe that swept the ground, leaning on, and toying with, an ordinary little wench." Here we have not only a description of his look, situation, and dress, but our imagination figures to itself several circumstances that are suppressed. For my own part, from the whole of the description, I think I see the glances, the looks, and the indecent dalliances of this scandalous pair, with the silent detestation and fearful bashfulness of their attendants.

Sometimes a variety of circumstances enter into the picture we want to exhibit. Thus, the same great orator, who, of himself, furnishes us with every species of ornament that can enter into a style, in describing a debauch, says, "I think I still see some crowding in, others crowding out, some staggering under what they had drank to-day, others, yawning from what they drank the day before, while the principal figure of the group was Gallius, daubed in ointments and decked with garlands: here lies a heap of faded flowers, there a pile of fishes' bones, and all the ground besmeared with filth, and bemired with wine."* Could we see more, had we been present at the debauch?

* The examples here brought by our author are certainly very picturesque; but the piece of Cicero, from which this is quoted, is now lost. It may be proper to inform the reader, that the Romans in their great entertainments wore garlands of flowers upon their heads, and that fishes formed the most considerable part of their repasts.

In

ke manner, we can increase compassion, sup-
, for instance, we are speaking of a town be-
ken; when we say that it was stormed, we
ess comprehend all the miseries that attend
event; but then the narrative is too quick to
due impression upon our minds. But if we
the various particulars, which that word im-
hen we behold "houses and temples wrapt
es; we hear the crash of roofs falling in, and
eneral uproar proceeding from a thousand
nt voices; we see some flying they know not
r, others hanging over the last embraces of
milies and friends; we see mothers agonizing
eir frightened infants, and old men, in the bit-
of heart, cursing themselves for being reserv-
dismal an hour. Athwart this scene we see
plundered and temples rifled, soldiers carrying
booty, and returning for more; each driving
him a band of captive citizens in chains; the
r tearing from the ruffian's grasp her helpless
and the victors cutting one another's throats
er the plunder is most inviting." All these
lars, it is true, are implied, when we say, "a
s stormed;" but there is a great deal of differ-
etween the mention of the whole that hap-
and of all that happened.* Now, we bring
sentation near to reality, by painting circum-
s that are likely to have happened, and gene-
appen upon such occasions, though perhaps
id not upon that.

presentation is greatly animated by throwing
dental circumstances, as Virgil says,

hrough all my blood a chilly horror came.
ly joints refus'd to prop my tott'ring frame.

n the following beautiful image;

The mother prest,
ale dismay, her infant to her breast.

g. Minus est tamen totum dicere quam omnia.

Now

Now in my opinion, it is very easy to acquire this capital perfection. For we need but set nature before our eyes, and copy after her. All eloquence is employed upon what is transacted in life. Every one judges of what he hears, by what he feels; and the mind receives the deepest impression from the circumstances with which it is best acquainted.

Similes contribute greatly to enliven a description. Now there are two sorts; those that are assumed to illustrate or strengthen an argument, and those that are introduced the better to express an object; and it is of the latter kind I now treat. For example, Virgil says:

Like wolves, that prowling, in the dusk, for prey.

And in another place,

Thus water-fowl, in search for scaly food,
Now soar, now skim the surface of the flood.

But here we are, above all things, to observe, never to bring by way of simile any object, or any subject that is either dark or unknown; for every thing that is intended to illustrate another thing, ought to be more clear than the thing that is illustrated. Therefore we indulge poets in similes like the following, which Virgil makes use of;

Like fair Apollo, when he leaves the frost
Of wintry Xanthus, and the Lycian coast:
When to his native Delos he resorts,
Ordains the dances, and renews the sports.

DRYDEN.

But an orator is not to be indulged in this practice of illustrating a visible object by one that is invisible.

But the kind of similes which I mentioned, when I treated of arguments, renders a style sublime, florid, agreeable, and surprizing. For the farther-fetched they are, they are the more unusual and striking, because unexpected. The following similies are common, but at the same time they are of that kind that are

fitted to persuade. "As culture renders the ground, so learning renders the mind, more rich and fertile." "As surgeons cut off limbs that are gangrening, so we ought to cut off from society the vile, the degenerate, and the wicked, even, tho' they form part of our own flesh and blood." In Cicero's oration for Archias, there is a more sublime passage. "Rocks and deserts are respondent to the voice, music has charms to sooth and tame the horrid savage; and shall we, with all the advantages of excellent education, be deaf to the voice of the bard?" But this sublime kind has been greatly abused by the licentiousness of our declaimers. For very often their similies are false, and are not applicable to the objects which they are introduced to resemble. I remember two, when I was a young man, that were vast in vogue, though with no great reason; "the greatest rivers are navigable at their sources. A good tree is no sooner planted than it bears fruit."

Now, in all comparisons, the simile either goes before, and the subject follows, or the subject goes before, and the simile follows. Sometimes it is free and detached. But far the best way is to connect it so with the thing, or your subject, as that they may reflect a likeness on each other, and seem as counterparts. In the passage about the wolves, which I gave from Virgil, the simile goes before; but in the first georgic, where he bemoans the long continuance of the civil and foreign war, the simile follows.

Thus the fleet coursers on the listed plain
Burst from the post, and o'er the level strain;
In vain the driver checks them as they run,
And sees the dangers that he cannot shun.

But there is here no mutual resemblance, the effect of which is to set before our eyes both the subject and the simile, and to show both at once in such a light as that they illustrate each other. We have many

many noble examples of this kind in Virgil, but they are not proper to be used in oratory. Cicero, in his pleading for Murena, says, "As we say of Grecian players, that an indifferent harper may make an excellent piper; thus we see some people, who cannot turn out speakers, fall into the profession of lawyers." In the same pleading he approaches nearer poetry, but all the while he preserves a mutual resemblance, which gives it a beautiful propriety. "For though certain constellations sometimes occasion tempest, yet they often happen suddenly, without any visible reason, and from some unaccountable cause. Thus it happens in the tempests of popular elections; you often understand the motive by which they rise; but sometimes they are so obscure, that it seems to be owing to chance." Similies consist but of a word or two; for instance, "They wandered through the woods like wild beasts." And Cicero says of Clodius, "That he escaped from a certain trial, like a man who escapes out of a house that is on fire, naked." Daily observation furnishes us with many similies of this kind.

There is great beauty when a thing is painted to our eyes, not only in doing it in a lively, but in a quick, pithy, manner. That conciseness, that leaves nothing unsaid, has wonderful beauties, greater than that which expresses only what is necessary, and it forms a figure of speech. But the most beautiful manner of all is, when a great deal is comprehended in a few words; thus Sallust, speaking of Mithridates, has a stroke of this kind.* A brevity, however, of this nature generally leads the unskilful imitator into obscurity.

* Orig. Mithridates corpore ingenii perinde armatus. This is from a work of Sallust that has not come to our hands. And I am of opinion with the Abbe Gedoyn, that it is not to be translated. The meaning of it seems to be, that Mithridates, being a very large man, without armour, must, when armed, have been a stupendous figure.

kin to this beautiful brevity; but of greater ex-
ıcy, is the emphasis, because it conveys more
ing than the words express. Of this there are two
one which implies more than it expresses, and
:her which signifies that which it does not ex-

An example of the former kind is in Homer;
nakes Menelaus say, " That a whole army sat
ı the belly of the horse." Thereby, in one word
ssing the largeness of that wooden machine.
. likewise says,

nd thence descending by a rope they came.

cpression which sufficiently indicates its height.
e manner, Virgil mentioning the Cyclops, says,
: he lay along all the cave," thereby implying
ast space of ground which his body covered.
e second sort of the emphasis is, where a word
herentirely suppressed, or suddenly cut short.
rd is suppressed in the following passage of
›'s pleading for Ligarius, " Were not thy own, I
hy own clemency, I know what I speak, as ex-
e as thy fortune, every success that attends thee
l but swell the sorrows of the afflicted." Here he
esses that which we very well understand, that
were not wanting many, who were ready to
›t Cæsar to cruelty. We retrench words by
er figure, which I shall take notice of in its
r place. Even some common expressions ad-
f an emphasis; for example, " You must show
elf a man. He is a man. Now we begin o live."
eat is the conformity between art and nature.
quence is not contented with explaining what
ys; for many and various are her methods of
ing a style. The most plain and unaffected
ı it an elegant simplicity, such as we are
ıed with in a woman. And that which excels
propriety and significancy of expressions,
; with it a prettiness, such as arises from an at-

tention to propriety and neatness in lesser matters. One style is rich and noble, another smiling and florid, and all have their different powers, according to the degrees of perfection they attain to. The greatest power, however, consists in exaggerating an indignity, and in an elevation of style upon other occasions; in a richness of fancy; in the freedom of expression; by pushing all our sentiments and arguments full home, with so repeated an earnestness, that we produce a superabundancy of proof. And (which is pretty much of the same nature) an energy; the property of which is to make every word we speak be felt, as well as understood. There is likewise a bitter manner, which is almost affrontive; for example, when Cassius said, "How will you behave when I shall attack your property? That is, when I shall give you reason to believe, that you are but a novice in railing." There is likewise a sharp manner; as when Crassus said to Philippus, "Shall I treat you as a consul, when you do not treat me as a senator?

The utmost efforts of eloquence, however, consist in exaggerating or alleviating, both which admit of the same rules, the principal of which I shall touch upon, which will be sufficient for the comprehension of the others. Now, the whole of them consists in things and words. As to the invention and disposition of the former, I have already treated of them. I therefore proceed to consider the exaggerating and alleviating properties of elocution.

CHAP. IV.

CHAP. IV.

ICERNING EXAGGERATION OR AMPLIFICATION AND DIMINUTION OR ALLEVIATION.

THE first kind of exaggeration depends upon the ure of the terms we use. For example, "If a n is wounded, we say he is murdered. If a fellow mportunate, we call him a highwayman." Conriwise, we call a severe drubbing, "a little brush, l a wound a scratch." We have an example of h manners in Cicero's pleading for Cælius, speak- of Clodia. "If she is wanton in widowhood, s he, insolent in airs, profuse in wealth, and if lusts should lead her into a keeping expence, can hink a man an adulterer, who shall make some free lresses to such a lady?" Here he exaggerates the y's failings in point of chastity, and softens the g criminal conversation his client had with her, o the terms of, some free addresses.

But this manner is greatly improved and height- d by our opposing exaggerating terms, to the l terms, which we want to enforce. What I an will be best comprehendedby the following pas- e of Cicero's pleading against Verres. "Whom, lords, have we brought before the bar of your tice? Not a thief, but a plunderer; not an adul- r, but the avowed enemy of all chastity; not one lty of sacrilege, but a prophaner and pillager of atever is sacred or religious; not a murderer, but inhuman butcher of your countrymen and allies." e former manner multiplies circumstances, but manner renders offences, that are very atrocious themselves, still more atrocious.

Aggravation

Aggravation or amplification, however, is effected by four kinds of management; by heightening, by comparing, by reasoning, and by accumulating. That of heightening has the greatest effect, when it raises things, that are of themselves but indifferent, into momentous appearances. Now this is done either all at once, or gradually; and we are thereby raised not only to the summit, but sometimes, as it were, even above the summit of the subject. One example from Cicero will illustrate my meaning: "To bind a Roman citizen is a misdemeanor; to strike him is a crime; to kill him is next to parricide; but to crucify him is—What?" Now, had he, the citizen, been only beat or whipt, Cicero would have exaggerated, by one degree, the guilt of Verres, in making another degree inferior to it; had he been barely killed, the guilt was exaggerated in more degrees; but when he said, that to kill him is next to parricide, though he could express nothing more criminal, yet still he continues to rise; to crucify him, says he, is——What? Thus, though he comes to the height of expresssion, he is carried even beyond that, by not having words that can go farther.

There is another method of being carried beyond the summit. Thus Virgil says of Lausus,

——No lovelier youth that trod the ground,
Except Laurentian Turnus, could be found.

Here he adds something to perfection itself, which he had expressed, when he said, that no youth was more lovely. There is a third manner of exaggerating, which does not proceed by way of climax, or by steps, because the crime is not only excessive, but such as cannot be exceeded. "You have killed your mother. Am I to aggravate that charge? You have killed your mother." For it is a very good method of aggravation, when we carry the charge so far, that we plainly see, it admits of no aggravation.

There

There is a less sensible, though perhaps not a less effectual, climax, when we pour forth, without distinction or pause, somewhat more severe than what goes immediately before. Thus, when Cicero is describing Antony vomiting in public, he says, "But in a full assembly of the Roman people, vested with a public character, the general of the horse." Here, every word proceeds by a climax. To vomit, is scandalous in itself, though not in an assembly, though not in an assembly of the people, though not in an assembly of the Roman people; though the person had had no character, though he had had no public character, though he had not been general of the horse. An orator of less genius would have divided these characters, and dwelt upon each of them. But nothing can retard the career of Cicero; he does not climb, but spring to the summit.

But as this amplification proceeds from less to greater, so that, which is effected by comparison, owes its powers to the exaggeration of meaner circumstances. For, by magnifying an inferior object, we necessarily increase the bulk of every object that is superior to it. Thus, in the very passage I last quoted, Cicero says, "Had you done this in the time of supper, amidst your extravagant debauch of drinking, who would not have thought it scandalous? But in a full assembly of the Roman people." And in his invective against Catiline, "By heavens, says ye, if my slave should have an equal horror for me, as every countryman you have has for you, I should think it proper to abandon my own house: Shall you then presume to remain in this city?"

Sometimes an example, being proposed by way of simile, serves to exaggerate, and to amplify the matter we are handling. The same great orator, for instance, pleading for Cluentius, mentions a Milesian woman, who had taken money from the heirs

in

in reversion, to procure herself an abortion. "How much more, says he, does Oppiniacus deserve to be punished for the same crime; for that woman, by the violence she did to her own body, put herself to torture; but he tortures and excruciates the body of another person." Nor is it to be thought that the present observation is the same with that I laid down in treating of arguments, when I spoke of a greater being collected from a smaller. The two passages indeed resemble one another, but there I spoke of proofs, and here I speak of amplification. Thus, in the case of Oppiniacus, the comparison that is brought is not to prove that he had committed a crime, but to exaggerate what he had committed.

There may, however, be a resemblance between things, though they are quite different. I will therefore repeat an example I have already used, though I did not apply it to the same purpose; for I am now to show that we may exaggerate, not only by comparing a whole with a whole, but parts with parts. Thus Cicero, in his first invective against Catiline, says, "Could the noble Scipio, when sovereign Pontiff, as a private Roman, kill Tiberius Gracchus for a slight encroachment upon the rights of his country; and shall we, her consuls, with persevering patience, bear with Catiline, whose ambition is to desolate a devoted world with fire and sword?" Here the comparison runs between Catiline and Gracchus, between the state of the public and that of the world; between a slight encroachment, and a desolation by fire and sword; between a private man, and the consuls of Rome. All which will furnish plenty of matter to any one who will be at the pains to examine them closely.

I have mentioned a method of amplifying, by induction of reasoning; let me here consider the propriety of that term, though in that respect I am the less

less solicitous, provided those who are willing to be instructed understand my meaning. Now this method of amplifying has its place in one part, and its effect in another; for one circumstance is exaggerated, another is heightened, and thereby we are rationally led to the amplification we intend. When Cicero charges Antony with his debauch and his vomiting in public, "Such a load of wine, says he, did you pour down that throat into these sides, and so thoroughly did you soak all that prize-fighting person of your's." Here the mention of the throat and the sides greatly exaggerates the charge of drinking, because it gives us an idea of the quantity of wine which Antony drank at the marriage of Hippias; and which was so great, that even his prize-fighting person could not carry and digest it. Now, where one circumstance is inferred from another, that inference may properly be termed an induction by reasoning, and I have accordingly ranked a state of causes under the same term.

In like manner, an exaggeration may be effected by consequences. For, in the last-mentioned example, the gushing of the wine from Antony's body did not proceed from accident, or design, but necessity, which forced him to vomit in so public a place, and in so indecent a manner, whereby he threw up the indigested morsels of what he had swallowed the day before; a circumstance that sometimes happens after a debauch.

Exaggeration is sometimes effected by what is premised; thus, Virgil says, after the answer of Æolus to Juno's request;

He said, and hurl'd against the mountain side
His quiv'ring spear, and all the god apply'd.
The raging winds rush thro' the hollow wound,
And dance aloft in air, and skim along the ground.

DRYDEN.

Here,

Here, what is premised gives us a clear idea of the tempest that was to follow. Sometimes, after representing crimes in the most dreadful colours, we affect to extenuate them, in order to exaggerate what is to follow. "Such wickedness," says Cicero against Verres, "is but trifling in such a criminal. A ship-master, the native of a noble state, ransomed himself by a sum of money from the whipping-post. This in Verres was compassionate. Another gave a sum to save his head from being cut off. This was customary." Here the orator uses an induction by reasoning, to give the hearers an idea of the superior atrocity of those circumstances, compared to which, these he mentions, are compassionate and customary.

In like manner, one thing may be heightened by heightening another. Thus, by heightening the warlike character of Hannibal, we magnify that of Scipio. And by raising the courage of the Gauls and Germans, we heighten the glory of Julius Cæsar. There is likewise a method of amplifying, by way of reference; when a thing is said without having any direct relation to the matter in question; for example, "Priam's counsellors thought it was no wonder that the Greeks and Trojans endured so many calamities, and for such a length of time, for so beautiful a creature as Helen was." From this we infer, what transcendent charms she must have been possest of. For this reflection does not come from Paris, who had carried her off, nor from a youthful lover, nor from a vulgar person, but from the aged, the wise noblemen of Troy sitting in council with Priam. Nay, that prince himself, though exhausted by a ten years war, in which he had lost so many of his sons, and though he was then upon the point of ruin, is so far from hating and detesting a beauty that had been the source of such calamities, that he hears her commended,

ended, he calls her his daughter, he places her by s person, he excuses her, and even says, that his lamities did not arise from her. We have a like :ample by way of inference, in the symposium of ato, to illustrate the continence of Socrates*. ıe circumstances of the arms and weapons of :roes give us an idea of their prodigious bulk and rength. The seven-fold shield of Ajax, for in- ance; and the Pelian spear of Achilles. We have fine example of this kind in Virgil, where he says, ıat the Cyclops made use of a mountain pine as a alking-staff; how immense then must his bulk ıve been! And when he mentions a helmet that vo men could scarce support upon their shoulders, hat an idea does it raise of its owner, before whom ıe trembling Trojans fled! Can we have a higher lea of Antony's luxury than we have from Cicero, ı the following sentence: "You might have seen ıe purple quilts of Pompey bedecking the couches f slaves in their bed-rooms." One should think, othing could exceed the indignant ideas raised by ıe mention of purple quilts, of the great Pompey, nd the bed-chambers of slaves, and yet our indig- ation is still higher raised, when we reflect that hese were but slaves: then what must the luxury f the master have been? This manner somewhat re- embles the emphasis; only in the emphasis our deas are affected by a word, and here by an bject; and consequently the latter is as much more owerful, as things are more powerful than words.

Exaggeration or amplification may likewise be af- ected by stringing together words and sentiments f the same importance. For though they do not roceed by way of climax, yet they have strength by

* I have not thought proper to translate this example, because think it is both a little fanciful, and improper.

their

their being accumulated. Says Cicero, in his pleading for Ligarius, "What did thy armour imply? Thy spirit? Thy eyes? Thy hands? Thy forward zeal? What didst thou wish? What didst thou want?" Here is, we see, an accumulation of various circumstances. But we may exaggerate by multiplying one personal circumstance into many. This manner rises higher and higher, through every expression we make use of; for example, "Near him stood the jailor of the prison, the butcher employed by the Prætor, the murderer of our Allies, and the terror of Romans, I mean, the Lictor Sextius."

Circumstances are diminished in the same manner; for the anticlimax contains as many degrees of descent, as the climax does of ascent. I shall therefore bring only one example of it, from Cicero, where mentioning the oration of Rullus, he does it in these terms; "And yet a few, who stood nearest him, fancied that he intended to say somewhat, I do not know what, about the Agrarian law." If we apply this example, to Rullus being heard by those who were near him, it comes by way of diminution. If it denotes the obscurity of his harangue, it comes by way of exaggeration.

Some, I am sensible, think that the hyperbole is a manner of exaggerating, because it may be made use of both in the climax, and in the anticlimax. But, as the very term of hyperbole implies an excess, I shall treat of it amongst the tropes; to which I would immediately proceed, did they not compose a manner of speaking that consists not in proper, but metaphorical, expressions. Therefore, I shall so far conform myself to the general taste, as not to omit that manner which some think to be the principal, nay, almost the only embellishment of style.

CHAP. V.

CHAP. V.

CONCERNING SENTIMENTS.

Our forefathers termed all the conceptions of the mind, sentiments. Orators often make use of the word in that sense, and we have some remains of the same in daily usage. For we swear, and compliment, according to the sentiments of our mind. But, originally, they made use of the word thought for the same purpose; for the word senses, in those days, was only applicable to the body. But this practice is altered; for we term the conception of the mind our sense, and our brightest thoughts (especially those that are finely turned) our sentiments. This manner, formerly, was not much minded, but now it prevails to excess. I, therefore, think proper to point out its different manners, and to say somewhat concerning the application of them.

Our forefathers appropriated the term of sentiments to what the Greeks call rules; and indeed they considered them both, in some measure, as containing moral maxims or directions. Now, I define this term to contain some matter that is laudable, though independent of the subject we treat of. But sometimes, it may be applicable to the subject only; for example, the following is an independent sentiment; Nothing is so popular as affability; sometimes to a person, such as the sentiment of Aser Domitius. The prince, who wants to see every thing, must wink at a great deal.*

* The quirk I have made use of in translating this sentiment, arises from a gingle in the original, the true reading of which seems to be, Princeps, qui vult omnia noscere, necesse habet multa ignoscere.

Without

Without entering into needless distinctions and definitions, a sentiment sometimes is simple, as the first example I have mentioned. Sometimes it is connected with the reason, as in the following example; "In all contests, the most powerful seems to be the aggressor, even though he has received the wrong: and the reason is, because he is the strongest." A sentiment sometimes is double; "obsequiousness procures us friends, but plain dealing, enemies." In short, sentiments admit of all figures of speech. Sometimes they distinguish; for example, "Death is not a woe, but the approaches to it are woeful." Sometimes they are affirmative: "The covetous man has as little use of what he has, as of what he has not." But by the help of a figure they make the greater impression; for example, Is death so great a woe? makes a greater impression, than if we were to say, Death is no woe. Sometimes we make a general sentiment personal; "It is easy to hurt, but difficult to serve, a person," is a general sentiment; but it becomes more forcible, when Ovid introduces it in the person of Medea, saying, "Was it in my power to preserve, and can you doubt that it is in my power to destroy?" Cicero likewise renders the same sentiment personal. In pleading for Ligarius he says to Cæsar, "In your fortune, there is nothing more exalted than that you have the power, in your nature there is nothing more amiable than that you have the inclination, to preserve numbers." Here he turns a general property into a personal compliment.

But with regard to sentiments, we ought to guard against using them too frequently, and using such as are palpably false, which is frequently practised by those who have a standing set of sentiments which they use upon all occasions, and advance with a peremptory air whatever they think can serve their

cause. We ought likewise to take care not to prostitute our sentiments, and to consult our own abilities and character. For the sentimental manner of speaking is most becoming those whose personal authority gives weight to what they say. Nobody could bear with a boy, a stripling, or a scoundrel, who should deliver his sentiments in a magisterial, dogmatical manner.

The enthymema is a species of sentiment. Now, the enthymema denotes any conception of the mind. But it properly is applied to a sentiment arising from an opposition to another object, in comparison of which it is eminent: as Homer amongst poets, and Rome amongst cities. But I discussed this matter in treating of arguments. The enthymema, however, is sometimes introduced rather for embellishment than proof. Thus Cicero says to Cæsar, "Shall then, O Cæsar! they who are the monuments of your unpunishing clemency, by their language, exasperate you into cruelty?" Now, Cicero does not bring this as a fresh argument, but to crown what he had elsewhere observed concerning the injustice of such a conduct; and he introduces it at the end of the period, not by way of proof, but as a finishing kind of insult upon his antagonist. This manner is called an epiphonema, and is introduced by way of a final exclamation, after a thing has been narrated and proved. We have an instance of this kind in Virgil:

> It call'd for all the toil of lab'ring fate;
> Of such importance was the Roman state!

And in Cicero's pleading for Milo, speaking of the Marian soldier, he says, "The virtuous youth chose to avoid, at the hazard of his life, what he could not suffer without the violation of his honour."

The

The word understanding may be indifferently applied to all operations of the intellects. But when we say that a thing is understood, we suppose it to be suppressed. Thus a fellow, whose sister had several times redeemed him from the profession of prize-fighting, sued her, upon the statute of Talio, for cutting off his thumb, while he was asleep. "It is true," said she to him, "you deserve that your hand should be unmaimed," giving him and the court to understand, that he deserved to be a prize-fighter as long as he lived.

There is such a thing as a point, by which, if we mean the quick close of a period, it may be very proper, and sometimes necessary. Thus Cicero says, in his pleading for Ligarius, "You are therefore under a necessity of confessing yourself guilty, before you can impeach the conduct of Ligarius." Some however do not mean this, but require that every topic, and every period, should end with some point that strikes the ear. Such gentlemen think it a scandal, nay, almost a prophanation, for an orator ever to recover his breath, but to give an opportunity for applause. This leads them to hunt for petty, false, glittering points of wit, that are quite foreign to the matter. For it would be impossible for them to introduce into a discourse so many true sentiments as they do gingling periods.

Of all those thoughts, the most pleasing is that which is most unexpected. Thus, when a man walked up and down the forum in armour, pretending that he was afraid of his person, says Vibius Crispus to him, Who gave you permission, sir, to be afraid at that rate? And Africanus paid a remarkable compliment to Nero, upon his mother's death; your Gallic provinces, great sir, beseech you to bear your good fortune with firmness. Some thoughts, that seem to rise from one thing, are ap-

plicable to another. Thus, when Afer Domitius pleaded for Cloantilla, whom Claudius afterwards pardoned for having buried her husband, who had been one of the rebels, he addresses himself in the end of his speech to her sons, Young gentlemen, says he, be ye sure to bury your mother. A thought sometimes is transferred from one topic to another. Thus, Crispus, pleading in the cause of a courtezan, whose lover, who had left her a large legacy, died when he was but two and twenty years of age, "What a provident young fellow he was, said he, to make so good a use of so short a life*!" The point of a sentiment lies sometimes in the repetition of a word; thus, in the rescript which Seneca drew up for Nero, on occasion of his mother's death, and which was sent to the Senate, when he hints that he thought himself in danger, Nero says, That I am in safety, neither do I believe, neither do I rejoice. This manner has a better effect, when it contains an opposition; Alas! says Cicero to Atticus, I know the man I ought to fly, but not the man I ought to follow. The wretch could not speak, says another writer, nor could he be silent. But the finest manner is that which is marked by some comparison; thus, Trachallus, pleading against the courtezan I have already mentioned, said, Ye laws! Ye faithful guardians of female honour! do you award to a man's wife the tenth, and to his whore the fourth, of his estate?

But all these manners may readily lead us into false, as well as true, wit. A play upon words is foolish. Fathers Conscript, said an advocate who was pleading for a father against a son, (for I begin with that word to put you in mind of what is due

* Though both the reading and the wit of these two last examples are pretty obscure, yet I durst not venture with the Abbé Gedoyn, to omit translating them.

to

to fathers.) There is perhaps a more execrable kind of this wit, when equivocal words are connected with false ideas of things. When I was a young man, I remember a famous pleader, who gave to a mother a few bones that had been picked out of a wound her son had received upon his head, merely for the sake of the following miserable clench; Most unhappy woman! you have not yet attended your son to his funeral pile, and yet you have collected his bones.

Some take pleasure in little quirks, which at first promise some humour, but, upon reflection, deserve only contempt. Thus, in a declamation at school upon a man, who, after being ruined by bad crops, suffered shipwreck, said a declaimer, The man who is rejected both by land and by sea, ought to hang. Of kin to this kind, is what the father said to the son, in the example I formerly mentioned, when he gave him poison, as he was biting his limbs, He who eats this, ought to drink this. Said one to a rake, who was deliberating whether he should hang or poison himself, The rope will hurt your throat, and a professed debauchée ought to die by drinking. Some clenches are still more puerile; thus, a declaimer persuading Alexander's captains to bury him under the ruins of Babylon, by setting it on fire at the same time; Then, says he, every one may from his own window enjoy the sight of Alexander's monument. As if this had been the most melancholy circumstance in the whole affair. Sometimes we are apt to overdo; thus, I have heard a man, in describing a German, say, As to his head, it stood I know not where. And describe a brave man by saying, His buckler repelled the whole war. But there would be no end, were I to instance all the absurdities of this kind, that are now so much in

vogue.

vogue. I shall therefore proceed to matters of more importance.

Learned men are divided in their opinions upon the use of pointed sentiments. Some think, that eloquence is made up of nothing else, while others entirely condemn them. For my own part; I am fond of neither opinion. When they are too thick planted, they choke each other; in the same manner as we see corn and seeds, when they are too thick sown, never rise to full maturity for want of room. In like manner, it is a happy disposition of lights and shades that gives a picture a beautiful relief. Painters, therefore, when they design several figures in the same piece, take care to proportion the distances so, as that the shades may not fall too directly upon the objects. When we do not observe this manner of speaking, we are perpetually mincing and clipping the thread of our discourse. For every sentimental point brings us to a full stop; and then we are to begin anew. This disjoins the whole structure of the style, for not being composed of members, but of scraps and pieces, it has neither strength nor symmetry. Here is a square, there a sphere; the one can give the other no support; the whole, therefore, becomes an unconnected mass.

Add to this, let the colouring or complexion of such eloquence be ever so bright in general, yet it must be patched, and every patch is a blemish. A purple border, when properly disposed upon a robe, gives it an air of dignity; but were a robe to be laid over with borders of various colours, it would be ridiculous. Let, therefore, such points play and sparkle ever so brightly, yet I cannot compare their brightness to that of the flame, but to that of sparks mounting, glittering, and vanishing amidst clouds of smoak. Were the whole of the pleading illuminated with eloquence, they would no more be even

visible, than the stars are at noon-day, when the sun is shining. The eloquence that is perpetually attempting to rise by hops and bounds, is always unequal and rugged: it has neither the charms of sublimity, nor the elegance of simplicity. It labours under another mischief; for while we hunt for nothing but points, we must make use of a great many that are trifling, dull, and impertinent; besides, their number is so great as to shew that they are not picked. Sometimes, therefore, you see a division have the air of a sentiment, and an argument become sentimental only by throwing it into the close of a period. Though an adulterer yourself, you have murdered your wife. Had you only put her away, I should have prosecuted you. Here is a division: now follows an argument. Am I to prove that the love-potion was poisonous? The man had still been alive had he not drank it. In general, though such speakers deliver very few real sentiments, yet they speak every thing with a sentimental air and manner.

Opposed to this is another class of speakers, who avoid all pointed periods, as productive of false pleasure, and approve of nothing but what is flat, mean, and spiritless. Thus, for fear of falling, they are always creeping. Give me leave to ask such gentlemen, what harm is there in a well-timed, and a well-turned, sentiment? May it not be of service to a cause? May it not affect the judge? May it not recommend the pleader? But, answer they, there is a sentimental manner, which the antients were strangers to. But to what part of antiquity do you refer? Go as far back as Demosthenes, he gave eloquence beauties unknown before his time. And if you think, that the manner of a Cato, or a Gracchus, ought not to be altered, do you not condemn Cicero? But Cato and Gracchus found eloquence plain, and left her adorned; for my own part, I

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consider an enlightened style to be, as it were, the eye-sight of eloquence; but I am not for having eyes through the whole body, lest its other members should lose their functions; nay, were I to take my choice, I should prefer the antient uncouthness to the modern affectation. But a middle way is open; as in dress and living, there is a neatness and elegance which is so far from being blameable, that it is beautiful, and ought, to the best of our power, to be engrafted upon the virtues of our ancestors. Our first care, however, ought to be to get rid of every false manner, lest, while we pretend to improve upon, we only differ from, the antients.

I now come to treat of tropes, which, as I observed before, come next in order, and which our best authors call removes, or motions. Grammarians use to lay down rules for them too. But while I was speaking of the business of a grammarian, I did not think proper to discuss this subject; but referred it till now that I am treating of a much higher subject, I mean, the embellishments of eloquence.

CHAP. VI.

CONCERNING TROPES.

A TROPE is an advantageous removal of a word or discourse from its original, to another signification. Various and endless have the disputes been amongst grammarians and philosophers concerning their kinds, their species, their number, and subdivisions. For my part, omitting all cavils, as being foreign to the education of an orator, I shall treat only of such tropes as are most necessary and most usual. And here it is sufficient to remark, that some Tropes are employed for significancy, others for ornament; some lie in proper*,

* The Roman was victorious, instead of the Romans were victorious. LIVY.

and

and others in borrowed expressions, and that not only the forms of words but of an entire period, nay, of a whole composition, are liable to change and alteration. Therefore they are mistaken, who think there is no trope, but where one word stands for another. Meanwhile I am sensible, that the most significant tropes are always the most beautiful. But the reverse of this does not hold, for some are calculated for ornament alone.

I shall therefore begin with what the Greeks call a metaphor, which is no other than the borrowing of a sense; and is the most usual, as well as by far the most beautiful, species of tropes. So natural is it for a man to talk metaphorically, that the most ignorant and inattentive people frequently do it, without being sensible they are doing it; nay, they make use of metaphors so beautiful and bright, that they are distinguishable, by their own radiance, in the most illuminated discourse. For, provided a metaphor is properly managed, it can have nothing about it that is vulgar, mean, or disagreeable. Metaphors likewise enrich a language, by the changings and borrowings it introduces. Nay, they have the almost incredible power of giving a name to every thing that exists.

Now, a name, or a word, is removed from its original signification into another signification, in order to express somewhat that cannot be expressed by any original term of its own; or, by such removal, to better the original term. This practice we go into, either because it is necessary, or because thereby we heighten either the force or the beauty of our style. But, where none of these reasons are found, none of these ends are answered. Necessity teaches the countryman to say, the gemm of a vine, because he knew no other single word, by which he could express its young, swelling buds. He likewise tells you, the fields are thirsty, and the corns are sickly.

Necessity compels us to transfer the epithets harsh and rough, to a man; for there is no original epithet expressive of such affections. We say, for the more significancy, that a man is kindled into a passion; that he burns with lust; that he has fallen into a mistake: for we cannot express the circumstances in their proper, better than we do in their borrowed, terms. Some metaphors are merely for ornament. Thus we say, an enlightened discourse; an illustrious race; the storms of the vulgar; and the streams of eloquence. In one passage Cicero calls Clodius the fountain that supplied Milo's glory; and, in another place, the source and ripener of his renown. Sometimes, a metaphor is called in, that a thing may be expressed with the more decency. Of this we have a fine example in Virgil's Georgics.*

Upon the whole, a metaphor is shorter than a simile. A simile introduces a comparison to a thing we want to express; a metaphor stands for the very thing itself. When I say that a man acted like a lion, I speak comparatively; but when I say a man is a lion, I speak metaphorically.

All metaphors are of four kinds; first, as they relate to living creatures, when one is placed for another. For example:

He pilotted his horse with mighty force.

And Livy tells us, that Cato used to bark at Scipio. Next, when one inanimate thing is put for another of the same nature; for example: "He gives his fleet the reins." A third kind is when we substitute inanimate for animated agents; as when it is asked, "Was the Greek valour daunted by steel or fate?" Lastly, agency may be applied to passive objects; for example:

* Orig. Hoc faciunt, nimio ne luxu obtusior usus
Sit genitali arvo, & sulcos oblimet inertes.
Georg. III. l. 135.

The

The wond'ring shepherd's ears drink in the sound*. From this manner principally arises that marvellous and sublime that proceeds from bold, and what we may call dangerous, metaphors, when we give life and spirit to inanimated objects: for example, when the same poet says, that the river Araxes, disdains a bridge. And in the famous passage of Cicero, What, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia? Whose breast did it seek? What did thy armour threaten? Thy spirit? Thy eyes? Thy hands? Thy forward zeal? This metaphor is sometimes double, as when Virgil mentions, arming steel by poison. For to arm with poison, and to arm steel, are two metaphors.

These four manners admit of many subdivisions. Thus we transfer one rational object to another; or an irrational to another irrational object. Or we may blend irrationality with rationality. All have the same effects, whether they are taken in the whole or in parts. But I suppose that I am not now speaking to young students, but that when the reader is master of the kind, he is likewise master of every species arising from it.

But as a well-tempered and well-timed use of metaphors illustrates a style, so, a frequent return of them renders it obscure and tiresome; and a continual return of them renders it allegorical and enigmatical. Some metaphors are quite mean; for example, that which I have already mentioned, of an

* Orig. ——sedet inscius alto
Accipiens sonitum saxi de vertice pastor. VIRG.

It is amazing, that the commentators, and Burman among the rest, have not been able to find a metaphor in this passage, and even the Abbè Gedoyn in his translation has omitted it. I have not been able to preserve its spirit; the metaphor certainly lies in the word accipiens, which implies activity, being transferred to a sense that is merely passive.

altar,

altar, which is called a stony wart. Some are indecent; for if Cicero, to express the sordidity of some of his countrymen, very properly called them the hog-house of the commonwealth, that does not justify an old orator, who makes use of the expression, Thou hast made an incision into the hemorrhoids or the piles of thy country. And the same great orator very properly puts us upon our guard against making use of shocking metaphors; for he tells us, that he should not chuse to say "that the republic was gelded, after the death of Scipio Africanus." Nor would he call Glaucia "the excrement of the senate." In metaphors, we are to guard against every image that exceeds, and what more frequently happens against every image that lessens. We ought likewise to take care to preserve the similarity of images. And when we are once convinced that such absurdities are absurdities, we shall find them but too frequent.

An excessive use of metaphors, especially if they contain the same images, is likewise blameable. Some metaphors are likewise hard to be comprehended, because of their incongruity with the object; as when a poet says, that "Jupiter periwiged* with snow the bald-pate woods."

Some speakers are likewise under a very great mistake, when they introduce into prose the metaphors made use of by poets who are at liberty to please their fancy, and who are sometimes constrained by

* Orig. ——Capitis nives.
Juppiter hybernas cana nive conspuit Alpes.
The meaning of which is, that Jupiter spit the Alps white; and this very line is finely ridiculed by Horace. I have been tempted to substitute in its place a line of Sylvester's, the translator of Du Bartas, which has been taken notice of by Mr. Dryden, containing as false a metaphor, and is indeed of the same import with the Latin line.

their

their feet in numbers, which render their liberties allowable. But were I to plead, I would neither call a king the shepherd of his flock, upon the authority of Homer, nor would I with Virgil say, The steerage of the wings, though that poet applies that expression to the flight of bees, and to that of Dædalus, and that too with great propriety. For every metaphor ought either to occupy an empty space, or it ought to be more powerful than the expression that it displaces.

What I have said concerning metaphors is equally, if not more, applicable to the figure synecdoche. A metaphor generally is made use of to make the greater impression upon the mind, or to characterize objects, and place them before our eyes. But the synecdoche diversifies a style; by it, we take many for one, the whole for a part, the kind for the species, the consequent for the antecedent, or the reverse; all which is more allowable in poets than in orators. It is true, in prose we may say, a roof, instead of a house; but we are not at liberty to say, a prow for a ship, nor a fir-tree for a mast. We may even venture to say, steel for sword; but that does not authorize us to call a horse, in prose, a quadruped. We may, through the synecdoche, make more free with altering the numbers of things. It is common with Livy, when he wants to tell that the Romans gained a battle, to say, "the Roman was victorious." Cicero, on the contrary, in one of his letters to Brutus, though he is only speaking of himself, says, we imposed upon the people, and we made them take us for orators. And this manner is not only agreeable in formal pleadings, but is admitted into common conversation. When there is any thing understood by being omitted in a sentence, some will call the omission a synecdoche. For then we understand one word by another. But sometimes

times this comes to be an eclipsis, which is a real blemish in a style.

Then thro' the gates th' Arcadians to rush.

Meaning, they began to rush; but as I think this is a figure of itself, I shall treat of it under that head. Sometimes one circumstance marks out another. Thus, Virgil, in order to describe the approach of night, says,

The weary heifers now returning home,
Their plows upon their necks———

But I know not whether this manner can ever be proper for an orator, excepting in argumentation, when he wants to characterize a thing. It does not, however, belong to elocution.

The metonymy is pretty much of the same kind, for it is a trope by which we substitute one appellation for another, the cause for the effect, the inventor for the invention, the sovereign for the subject. But Cicero tells us, that rhetoricians term this figure hypallage. An example of the metonymy is (speaking of bread), Ceres spoiled by the water. In like manner, Neptune is put for the sea, in poetry. But the reverse of this renders a style harsh. It is therefore of importance for a speaker to know how far he ought to indulge himself in the use of this trope. In Latin prose it is common to express the fire by Vulcan; a battle by Mars; and an amour by Venus. I much doubt whether the severity of pleading can admit of calling wine, Bacchus; and bread, Ceres. But we may sometimes express the contents by that which contains them; for example, the bottle was drank; the city was polite; the times were happy. But it is seldom that any but a poet can practise the reverse with any propriety. Now burns my neighbour, says Virgil; meaning his neighbour's house. It may, however, be more allowable to substitute the

possessor

possessor for the possessed; for instance, the man is eat up, to express his estate being consumed.

The same trope admits of a thousand manners; for instance, we may say in prose, that Hannibal cut in pieces sixty thousand Romans at the battle of Cannæ. Dramatic poets speak of their heroes in the same manner. 'Tis common to say, I bought a Virgil. And "Provisions are coming to us. He knew a great deal of war, instead of the art of war." It is likewise common for orators as well as poets to express the efficient for the effect. Thus, Horace says,

Death, unrelenting death, beats down
The peasant's couch, and prince's throne.

Virgil says,

There pale diseases dwell, and drooping age.

And an orator is allowed to say, headstrong rage, gamesome youth, indolent repose.

There is some affinity between this trope and the synecdoche. For when I say, "the look of man is noble," I put that in the singular which ought to be in the plural.*

The antonomasia is a trope which substitutes some property or designation for a proper name. It is very common with poets, who sometimes design a person by a patronymic, instead of his own name; for instance, they call Diomed, Tydides; and Achilles, Pelides. Sometimes a proper name is supplied by some capital distinction; as when Virgil calls Jupiter

Of Gods the father, and of men the king.

Sometimes a man may be designed by his actions.

The arms, the tyrant, in the chamber left.

* There follows a sentence or two in the original, which I have not translated, because it is both depraved, and immaterial, if not unintelligible.

Orators

Orators sometimes, but not often, make use of this figure. They would not indeed say, Tydides or Pelides; but they may design a parricide by the appellation of ruffian; Scipio, by that of the destroyer of Carthage and Numantia; and Cicero by that of, the glory of Roman eloquence. Cicero himself makes use of this figure, as appears from the following passage in his pleading for Muræna. "Says the great monitor to his brave pupil, You are not wrong in many things, but if you were I could set you right." Here he names neither monitor nor pupil, but leaves both to be understood.

The Greeks claimed great merit from their onomatopœia, or, their coining words, but it is what we dare scarce venture to do. We have, however, a great many words coined by the original inventors of language, in imitation of the sound or affection they wanted to express; for example, the lowing of the ox; the hisses of the serpent; and the murmur of the dove, or of the lover. But as language is now come to its highest perfection, we do not venture to coin any more words, though many that were current among our ancestors are daily wearing out. We scarce indulge ourselves in the liberty of deriving words from others that are in common use.*

All other tropes besides those I have mentioned, are not employed for the sake of their significancy, but of their beauty; for they rather adorn than enforce a style. Epithets, for instance, are applied for embellishments, and are both freely and frequently made use of by poets, who think it sufficient, if they make them suit with the object they are connected with. We therefore find no fault with the saying, white teeth, or humid wine. But unless an orator

* Some part of what follows here cannot with any propriety be translated; and if it could, it would be of no manner of use to an English reader.

has

has a meaning in every epithet he employs, he falls into bombast. Now we know that an epithet has a meaning, where it adds to the thing it is connected with; for instance, most detestable wickedness; most abominable lust. But all epithets receive their greatest beauties from metaphors; for example, unbridled lust; tasteless extravagance. Sometimes epithets are joined to tropes; for example, Virgil says, meagre want; a melancholy old age. But, in such instances, the epithet has such power, that, without it, the style must appear naked and sordid. A style, however, ought not to be overloaded with epithets, for if it is, it becomes tedious and cumbersome, and the judges in court consider them as they would so many sutlers following a camp, which increase the number of useless mouths, but not of fighting men. Nay, sometimes several epithets are applied to the same person; thus Virgil, speaking of Anchises, says,

By Venus blest in raptures of her joy,
Thou care of Gods, twice sav'd from flaming Troy.

This application of several epithets to one person, has no bad effect, at least, not in verse.

Some, however, will not admit epithets to be tropes, because, say they, they change nothing. For if you detach the epithet from the thing it is joined to, the signification is still the same, and becomes an antonomasia, or a substituted expression; for example, if you say, The man who destroyed Carthage and Numantia, you make an antonomasia; but if you add Scipio, it becomes an epithet; here it is impossible to separate the epithet from the person, because it can suit no other person.

On the contrary, allegory expresses one thing and means another; nay, sometimes it's quite opposite; for example, in the 14th Ode of the first Book of Horace, the poet designs his country under the

the term of a ship; civil wars by stormy seas, and peace and tranquillity by a safe harbour. Thus Lucretius says,

I range the muses' lonely walks.

And Virgil,

But I have gone a mighty way, and here
'Tis fit I check my foaming steed's career.

Sometimes we meet with an allegory without any metaphor.

I've heard, indeed, where yonder mountain's sweep
Sinks gently to the level of the deep,
Where yonder stream the aged beeches shade;
The vales resounded, while Menalcas play'd.

Here the terms suffer no change or alteration, only Virgil, under the person of Menalcas, allegorically represents himself.

An orator has often occasion to make use of the first kind of allegory I have mentioned, but seldom entirely, without throwing in some expressions that explain its meaning. Cicero makes use of it entire, in the following passage; To me it appears both wonderful and deplorable, that a man should be so bent to do another a mischief, as rather than not do it, he will bore a hole in the ship that carries himself. The following is of the mixed kind, and is very frequently made use of by the same orator; "I thought, indeed, that all the storms and tempests, which tumultuary faction and distracted counsels raise, must break upon the head of Milo." Had there been no mention of tumultuary faction, and distracted counsels, the allegory would have been pure and unmixed; but it is mixed as it stands. In such kind of tropes, the beauty lies in the borrowed, and the meaning in the proper, expressions.

But nothing gives so much beauty to a style, as when similitude, allegory, and metaphor are united; for example, in Cicero's pleading for Muræna: "Do

you think that the waves of any sea, or of Euripus itself, is tossed and agitated with as violent and various workings, as the tumults and tides that happen in a popular election? One day intermitted, or one night intervening, often throws every thing into confusion, and the smallest whisper of a report frequently alters their whole inclinations. We often meet with disappointments without any visible reason; and the people sometimes stare at what is done, as if they themselves had not done it." Here, above all things, we are to observe to finish with the very same kind of metaphor with which we begin. For some speakers I know, in the above example, when they had begun with the tempest, would have ended with fire and sword; which is a most shocking incongruity.

Allegory likewise assists the most common understandings, and our daily conversation. It has introduced into pleadings the following terms, which are now so familiar to us; to fight firm; to aim at the throat, and, to draw blood; all which expressions give us no pain. For variety and change are pleasing in eloquence, and we are delighted with the manner which we least expect. But this has led us into excess, and we have disfigured the beauty of allegories by our over-fondness for them. Some examples are given by way of allegories, when nothing is said that explains them. Nothing is more common with the Greeks than to say, Dionysius went to Corinth;* with many other such allusions. When an allegory is quite obscure, it is called a riddle. But, in my opinion, obscurity is blameable, if perspicuity is beautiful. The poets however make use of it says; Virgil,

* See concerning this expression, what I have observed upon Cicero's Epistles to Atticus. Epist. 9. b. 9.

Tell, and you shall be my divining God,
Where seem the heavens scarce forty inches broad.

Orators likewise make use of riddles; thus, Cælius mentions the farthing-hired Clytemnestra; and he speaks of a spunge * in the dining-room, and a clapper in the bed-room. For though many such expressions are now unriddled, and though they were not perhaps so very dark, when they were originally spoken, yet every thing that requires an interpreter, before one can understand it, is a riddle.

Irony is a figure by which we mean the reverse of what we express. Some call it a mockery, and it is discernible either in the manner of speaking, or in the character of the person, or the nature of the subject. For if any of these are incompatible with the expressions, then it is plain that the words and the meaning differ. But this happens in other tropes, where we must be at pains to examine both the subject, and the person spoken of. Because, as I have observed before, it is allowable to make use either of mock-praises, or mock-reproaches, when we want to lash or to compliment a person. Thus Cicero calls Verres, the polite prætor, the honest, industrious man. On the contrary, when he wants to praise himself, he says, I seemed to be something of an orator by imposing upon the people. Sometimes we raise a laugh by speaking the very reverse of what we mean; as Cicero, addressing himself to Clodius; Yes, sir, you was acquitted through the integrity of your life, you was delivered by the purity of your manners, you was saved through the virtues of your youth.

* Quadratoriam Clytemnestram: &, in triclinio Choam: & in Cubiculo Nolam.

Sometimes

Sometimes by allegory we improve upon the melancholy and disaster of a narrative, and sometimes, when we think it for our purpose, we disguise our meaning by an opposition of terms, and sometimes without venturing upon a direct detail ;* all which manners I have already mentioned. There is an arch, deriding manner, somewhat between irony and sarcasm, which a speaker may sometimes employ to good purpose. When we express one word by several, we call it a periphrase; and sometimes this manner is necessary, especially when we are obliged to mention some indecent action. Thus Salust speaks of an affair of nature. Sometimes a periphrase is introduced by way of ornament only. Thus Virgil calls the night,

The time when mortals sink from toil and woe,
To the best blessing that the gods bestow.

This manner is pretty frequent amongst orators, but without so much circumlocution, which is the term we give to every thing that for ornament sake is expressed in more words than it properly requires. This term however gives us no very advantageous idea of a style, because it is apt to run into verbosity, which is always a blemish.

The hyperbate is often necessary to the beauty of style and composition, and has great merit in both. It very often happens that a style becomes rugged, harsh, loose, and yawning, by placing every word in in its order, and by unnaturally forcing it to connect with the word immediately preceding. We are therefore to keep back one word, and to push forward another, in the same manner as workmen, in

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building,

building, place the rough stones as best suits their shape and figure; for it is impossible for us to cut and chissel them in such a manner as to stand in exact rank and file: no; we must make use of each just as it comes to our hand, and lay it where it fits best;* and indeed inexpressible is the harmony of style that arises from the judicious use of this figure. So sensible was Plato of this beautiful effect, and so intent was he on making experiments upon the figure, that he several times changed the order of the four words which begin the best of all his compositions,† and they are to this day, differently placed in different editions.

The anastrophe inverts the order of two words, as in Latin we say, mecum and tecum. The poets‡ sometimes not only displace, but divide, a word: but this is not allowable in prose.

I have reserved the hyperbole to the last, because it is the boldest of all ornamental tropes, and its effect lies both in exaggerating and diminishing, by superadding fiction. This is done several ways. First, by saying more than what is fact; as when

* Though the English language admits of but few hyperbates, yet it does of some, with a very fine effect. I shall give one for all, from our translation of the Bible; for Tophet is ordained of old, yea, for the king it is prepared. Isa. xxx. 33. The reader will find many examples of the same kind in our Bible; where this manner gives the text a much more serious and earnest air than if the words stood in their natural order. It has a very beautiful effect in English eloquence, and compositions of all kinds. Mr. Pope, on one occasion, has made use of it with inimitable effect in his inscription upon Mr. Rowe's monument, where, comparing him to Shakespear, he says,

O skill'd next him to draw the tender tear,
For never breast felt passion more sincere.
With nobler sentiments to fire the brave,
For never Briton more disdain'd a slave.

† Meaning his treatise on government.

‡ As Virgil says,

—— Hyperboreo septem subjecta trioni.

for subjecta septemtrioni, and notwithstanding what my author observes, Cicero says, Per mihi gratum ferecis; and perque jucundum. Some other examples may be found in his writings.

Sometimes by allegory we improve upon the melancholy and disaster of a narrative, and sometimes, when we think it for our purpose, we disguise our meaning by an opposition of terms, and sometimes without venturing upon a direct detail ;* all which manners I have already mentioned. There is an arch, deriding manner, somewhat between irony and sarcasm, which a speaker may sometimes employ to good purpose. When we express one word by several, we call it a periphrase; and sometimes this manner is necessary, especially when we are obliged to mention some indecent action. Thus Salust speaks of an affair of nature. Sometimes a periphrase is introduced by way of ornament only. Thus Virgil calls the night,

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building,

Scarce can their bones and hides together stick.

And Cicero has a jocular epigram, "That his friend Varius had a farm, which was so small, that he could put it into a sling, and throw it away."* But, even in this figure, we ought not to overdo; for, though an hyperbole is more than what we can believe, yet it ought not to be more than we can conceive: for that leads us into affectation. I should tire both my reader and myself, were I to recount all the errors that spring from this abuse; especially as they are so well observed and known. It is sufficient to inform him, that though an hyperbole is a lye, yet ought it not to be a gross imposition. We, therefore, ought to be the more careful how far we push a way of speaking, in which we are sensible, we are not believed. For very often the hyperbole raises a laugh of approbation, if it is witty; and of contempt, if it is extravagant. Now, both learned and unlearned have, in common with one another, a passion for either aggravating or lessening things: and few are contented with representing things as they really are. The hyperbole, however, passes pretty well off, when we are not too positive in affirming it. In short, the hyperbole has a very good effect, when the thing we are describing or handling is very extraordinary; for then an allowance is made, because it is not to be expressed by ordinary language, and in such cases it is better to overdo than to underdo. But I here take my leave of this subject, because I have handled it at large in my Treatise concerning the causes of Corrupted Eloquence.

* This is at best a very jingling epigram, and is as follows:

Fundum varro vocat, quem possim mittere sun 'a,
Ni lapis exciderit, quà cava funda patet.

The reader here is to observe, that a farm is called fundus, and a sling funda; but I do not remember, that commentators have taken notice, that the Romans slitted the part of the sling in which the stone lay before they discharged it.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK IX.

CHAP. I.

OF FIGURES, HOW THEY DIFFER FROM TROPES; AND THE PROPERTIES OF FIGURES.

HAVING, in the former book, discussed the subject of tropes, it naturally follows, that I am here to treat of figures, though some confound them together: for as their name implies, there is a particular method of forming tropes; and they are termed movements, because they alter the plain course of the style; both which are the properties of figures likewise. The uses of both, too, are pretty much alike, for they give both greater energy and greater beauty to things. Nay, some, amongst whom is Caius Artorius Proculus, have called all tropes figures. The truth is, they resemble one another so nearly, that the difference is not instantly perceivable; there is, therefore,* the more reason why we should carefully distinguish them.

* There are a few sentences here in the original which I have not translated: and I have taken the same liberties in other parts of this chapter, which I thought contained no more than a repetition of what has gone before.

A trope,

A trope, therefore, is a transition from a word's natural and original signification to another, for the sake of ornament. Or, as grammarians generally define it, it is an expression carried from a place where it is proper, to a place, where it is not proper.

A figure, as the word itself implies, is a certain form of style different from the common and obvious manner of speaking.

Upon the whole, therefore, tropes substitute some words for others; while nothing of this kind is necessary in figures; for they may retain the proper expressions, without departing from their natural order. But I am to remark, that very often a trope and a figure meet in the same sentence. For a style may be figured in metaphorical, as well as proper, expressions. Authors, however, greatly differ with regard to the word itself, as well as about the kinds, and the different species of figures. Let us, therefore, consider in what sense we are to understand a figure. A figure is applicable in two manners; first, to the form of a sentence, be that form what it will. For it is with figures, as with men's persons; because, however differently they may be formed in particular features and limbs, yet still their general outward form is the same. The next manner (and indeed what we properly call a figure) is where we deviate in sense and style, for good reasons, from the common and simple manner, just as we throw our bodies into the different positions of sitting, lying, or looking behind. For, when a speaker, or a writer, makes a too constant and frequent use of the same cases, tenses, numbers, or even cadences, we desire him to vary his figures, in order to avoid a sameness of style. Now, by this way of speaking, we suppose, that every style and manner has a figure annexed to it; and indeed, in the first sense of figures I have laid down, there is nothing

nothing that we do not suppose to be figured. But, if we consider figures as the airs and attitudes of our thoughts and expressions, we shall then include, within that term, every thing that either poetically or oratorially differs from the simple and obvious manner of speaking. In this sense, we may venture to say, that there is a style which is void of figures (and that, of itself, is no small blemish), and a style that is figured. Upon the whole, therefore, "a figure is an extraordinary manner of speaking by a certain art."

It is generally agreed, there are two sorts of figures: one, of meaning, or sentiment; the other, of words, or style: which form the ground-work of eloquence itself. But, as it is natural for the mind to conceive ideas before they are expressed, I will therefore begin with the sentimental figures, the utility of which is so extensive and various, that they form the most beautiful part of every kind of eloquence. It is true, we may not think it very material by what figure we speak, when we want to establish a proof, yet still they are useful for rendering what we say credible, and for, as it were, insensibly stealing upon the minds of the judges, where they are least guarded.

Now in a combat, where the strokes are direct, one, by seeing the simple motion of his adversary's wrist, can easily parry and return them; but it is not so easy to guard against back blows and feints: for it is a great point of art to aim at a place different from what you intend to strike. In like manner, an orator, who is void of art, must rely upon his strength, his size, and his fury; but when he knows the feints and the shifts of his art, he can then attack and reach his enemy in the belly or the side, and while he is obliging him to guard one place, he can strike him in another, and all this by

the very turn of his eye. Indeed, nothing makes a greater impression upon the affections, than this manner does. For if the eyes, the look, and the gesture have a powerful effect upon the mind of the hearer, how much more powerful must the air of a discourse be, when conformable to the effects it should produce? Figures are of vast service in rendering eloquence agreeable; in recommending the manners of the pleader; in prepossessing an audience in his favour; in relieving the fatigue of a court by their variety; and by throwing every object into the most agreeable and least offensive light.

But, before I come to the application of figures, I cannot agree in thinking them so very numerous, as some do. For I pay no regard to those terms, that are so readily invented by the Greeks. Above all, I reject the opinion of those, who say, there are as many figures as there are sentiments.

Cicero, when he treats of this subject, comprehends, under the word figure, every thing that can give to a style lustre and ornament, and in my opinion, he observes a certain middle way, in not admitting, as many do, that every style is figured, and by admitting only that style to be so, that deviates from the common usage of speaking. But he ranks, as figures, every manner of speaking, that is most effectual for illustrating a subject, and moving the affections of the judges. I shall, that I may not deprive my reader of so great an authority, here give him his words upon this subject, as we have them in his third book of his treatise concerning an orator. "In the thread of a discourse, after we have consulted the smoothness of periods, and the harmony of numbers, I have mentioned, the whole style is to be marked and bespangled by the brilliancy of sentiment and expression. For the figure, by which we dwell upon one subject, is of great efficacy, as it is

a perspicuous

a perspicuous illustration, and a lively representation of facts, in the same manner in which they happened. This is very serviceable, first in representing a matter, then in illustrating that representation; and likewise in heightening it, so that with our hearers we make the most of our subject, that is in the power of words to make. Opposite to this figure is precision, which rather gives a hint to the understanding more than you say; as is likewise brevity, which consists in a distinct conciseness, together with extenuation and illusion, which falls pretty well in with Cæsar's rules. Then comes digression, which as it is delightful, your resuming your subject ought to be proper and agreeable; then follows the proposition of what you are to speak to; then its disjunction from what hath been already said; then you return to what you proposed; then you re-capitulate; then you draw from the premises your conclusion; then you enhance or evade the truth, according as your intention is to exaggerate or extenuate; then you examine, and, what is very near akin to examination, you expostulate and answer upon your own principles; then comes that bewitching figure of irony, by which a different thing is understood from what is expressed, a figure that has the most agreeable effects in a discourse, when introduced not by way of argument, but entertainment; then comes dubitation; then distribution; then the connexion of what you have either said, or are to say; or when you are to throw any thing off from yourself, premunition regards the point you attempt to prove; then there is throwing the blame upon another; then there is communication, which is a kind of deliberation, with those to whom you speak; then there is the imitation of morals and life, either when you name or conceal the characters they belong to; this is a great embellishment to a speech,

and is chiefly calculated for conciliating the favour, but often for moving the passions, of the audience. Then follows an imaginary induction of real persons, which is perhaps the most heightened figure of exaggeration; then description; then the introduction of a mistake; the impulsion to cheerfulness; then prepossession; together with those two figures that have so strong an effect, I mean comparison and example; then comes unravelling, interruption, straining, suppression of what you insinuate you know; commendation; a more free, and even an unbridled style, when you want to exaggerate, and give an emphasis to your expression; then comes anger, chiding, promising, deprecating, beseeching; a short deviation from your subject, but not of the nature with digression, which I have already mentioned; then apologizing, conciliating, blaming, wishing, and execrating. It is chiefly by these figures that sentiments give beauty to eloquence. As to the figures of style, they serve as in the case of fencing, either to shew how well the master can aim, and, as it were, fetch a blow; or how gracefully he can handle his weapons. For, the repetition of a word sometimes gives force to a style, at other times it shews wit, as does a small variation or alteration of a word. A frequent repetition of the same word from the beginning, or the resuming it in the close of a speech; the giving force to words, and then making the same words meet, adjoin, and proceed, together with putting a certain mark of distinction upon a particular word, which you often resume, and those which have the like terminations, and the like cadences; those which form the respondent parts of a period, and have a mutual relation to one another. There is likewise a certain gradation and conversion, with a well-judged transposition of words; there is then their opposition, and detachment,

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from one another, by throwing out conjunctive particles; then evasion, reprehension, exclamation, diminution; and what is laid down in many cases, and what is drawn from particular propositions, and applied to particular subjects; and the method of laying down a proposition, together with subdividing it into several parts; and concession, and another kind of doubting and surprize, and enumerating, and another connexion, and dissipating, continuity, and interruption, and representation, and answering one's self, and immutation, and disputation, and order and relation, and digression and precision. Those, or the like, perhaps there may be more, are the figures that illustrate the sentiments and the style of a speech."

The same great master has in his book, intitled the Orator, inserted a great deal, but not all, of the above quotation. It is, however, more distinctly marked, because he adds a third topic after the figures of style and sentiments, which third topic, as he himself says (addressing himself to Brutus), belongs to other properties of eloquence.

" As to the ornaments, says he, that arise from the artificial disposition of words, they reflect great lustre and great ornament upon a style. They are like the principal decorations of a spacious theatre or court, that strike us not merely as they are ornamental, but because they are distinguishedly so. The figures of words have the same effects; they give light, and, as it were, a distinguishing beauty to a style, either by redoubling or repeating words, or by making them undergo a slight alteration, or by beginning or ending several successive periods with the same word; or when the same word occurs in a period once, and again; or when words that have similar beginnings and ending are thrown together; or when the meaning of a word is altered, even in

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the same period; or when the various methods are practised for opposing one word to another; or when the energy of a period gradually rises to its close; or when, to render it more rapid, we throw out the conjunctives; or when we discover, by our manner, the reason of our omitting any circumstance; or when we correct, and, as it were, blame ourselves; when we fall into exclamations, either of surprize, or concern; or when we vary the same word through different cases. All this is done by means of verbal figures.

"But the effects of sentimental figures are much more powerful; and because Demosthenes chiefly attached himself to them, some think that to be the characteristical excellency of all his eloquence; for, to say the truth, he seldom touches upon a point without giving it the utmost beauty and force of sentiment. And, indeed, the true property of eloquence is nothing else but the giving a beautiful lustre to all, or most part of our sentiments. But, as you, my friend, are so great a master of that excellency, there is no occasion for me to enter into any minuteness or detail of examples. It is enough, if I have touched upon the head.

Let, therefore, the orator I wish to form, know how to vary one and the same thing, in several manners, to close with, and to dwell upon, the same sentiment; let him know how, sometimes, to extenuate, sometimes to ridicule, to make his discourse take a certain bias, and his sentiments but just glance upon his subject, that he may elude a difficulty; let him lay down the matter he is to speak to; then having discussed it, bring it to a certain point; then recovering himself, make a short summary of what he had said before, and from thence form a rational conclusion; let him press his adversary by questioning him, that he may the better confute

fute him by answering his own questions. Let him know how to practise irony, by making his words differ from what is plainly his meaning; let him hesitate in what manner, and in what order he is to speak; let him make his proper divisions, laying down some points, and omitting others. Let him take such precautions as that, if the omission or any other slip is discovered, he may turn all the blame upon his antagonist. Let him affect such a confusion, as to seem to advise with the judges, nay, with his opponent; let him know how to describe the characters and conversation of mankind, and to give a language even to the mute creation; when it is for his purpose, to divert the attention of the audience by frequent returns of wit and humour; to obviate objections beforehand, to apply similies and examples, to make a proper division, to check his opponent for his intrusion, to pretend to conceal some things, to acknowledge his apprehensions, to speak with freedom and independency, to put himself even in a passion; sometimes to reproach, to deprecate, to supplicate, to apologize; to digress a little, to wish, to execrate, and to assume an air of familiarity with his judges.

"Let an orator likewise know how to use the other powers of eloquence; let him be concise, where conciseness is proper; let him paint a thing by his expressions; let him make use of exaggerations; let his emphasis often contain more meaning than his words; let him frequently be good-humoured, and fall into an imitation of life and manners. By such means alone (and you see how various and extensive they are), all the powers of eloquence can be exerted."

CHAP. II.

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CONCERNING SENTIMENTAL FIGURES.

Cicero has here laid down rules for those who shall take the doctrine of verbal and sentimental figures in its large extent; nor, indeed, dare I say that it is possible for me to improve upon what he has laid down, but I hope the reader will apply them to the principles of my work. For my purpose is to treat of those sentimental figures which deviate from the plain, simple, manner of expression. And for this I have the authority of many eminent authors. As to the other manners which Cicero has laid down, I mean even those which throw the greatest lustre upon a style; they are so much the properties of eloquence, that, without them, it is impossible we can have any idea of speaking in public. For how can a judge be informed without "a clear explanation, proposition, state, definition, and division of the case? The opinion of the pleader, a proper deduction by reasoning, precaution, similitude, example, distribution, interruption, checking, labouring, apologizing, and attacking?' In short, what will remain to eloquence if we strip her of the powers of heightening and extenuating? The first requires an emphasis, which conveys more meaning than you express; it exceeds and exaggerates the truth, while the latter employs only alleviation and deprecation. On such occasions, can the passions be roused without a freedom of voice, and a boldness of resentment, without reproaching, vowing, and execrating? Or can they be calmed, but by applying the lenient arts of insinuation, reconcilement, and good-humour?

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Can an orator give delight, nay, can he give one proof of his being a man of parts, unless he knows how to make an impression sometimes by repeating, sometimes by dwelling upon what he says? Unless he knows the art of digressing from his subject, and of bringing that digression home to his purpose? To remove an imputation from his client, and to throw it on another? Unless he has judgment to discern the points he ought to admit, and those he ought to dispise? In such arts lie the spirit and action of eloquence: if you remove them, she is no better than a body without animation. But we must not only be sensible of their necessity, but we ought to know how to employ and to vary them, so as that our pleading, like a well-tuned instrument of music, may communicate delight from every sound.

Such beauties, however, are generally natural and obvious; and are so far from disguising, that they avow, their effects. But, as I have already observed, they admit of figures: for instance, nothing is more common than to ask a question of, or to examine a person; for we use the former of those terms when we want to be informed of a fact, and the other when we want to establish a reasoning; though sometimes they are used indifferently. But, in whatever sense we take the words, the matter itself of questioning admits of various figures.

To begin, then, from those that render a proof more keen and strong, which I first took notice of. This may be done in a very simple manner; as when Virgil makes Venus say to Æneas,

But whence are you? What country claims your birth?

But there is another manner, which is figured, and is not employed by way of informing ourselves, but of confounding our opponent: thus, Cicero says, For what, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia? And, How far wilt thou,

hou, O Catiline, abuse our patience? Art thou in-ensible thy practices are detected? And so through he whole of that paragraph. How much more spirit-d is this manner than if Cicero had said, You have ong abused our patience——your practices are all letected.—

Sometimes we put a question that we know can-ıot be denied: thus Cicero, Has Caius Fidiculanus Falcula at last finished his pleading? When it is lifficult to account for a thing, it is common for us o say, How could that happen? How is it possible? Sometimes we put a question from merely to make nother person odious; for example, Seneca makes Medea say, Whither, O whither, would you have ne go? Sometimes, in order to raise pity. Thus, Virgil makes Sinon say,

——Alas! what earth remains, what sea
Is open to receive unhappy me?

Sometimes we make use of the same manner, for ›ressing our adversary, and, in some sort, forcing ıim to understand us: thus, as Asinius said, Do ›ou hear me? It is the madness, the madness, I say, ıf the testator, and not his injustice, that we ›lame.

The whole of this manner admits of great variety. For it serves to mark indignation: thus Virgil,

And Juno's name who henceforth will adore?

And admiration,

——Of gold, thou hunger fell!
To what wilt thou not mortal minds impel?

Sometimes it denotes a keenness of resolution; as Virgil makes Dido say,

Shall we not arm, not rush from every street,
To follow, sink, and burn the traitor's fleet?

Sometimes we put a question to ourselves; What, hen, shall I do? Says a character in Terence, Am I ot to go, though she sends for me?

Answers

Answers likewise admit of being figured: for example, when an indirect answer is given to a question, and that for an useful purpose, because it aggravates a criminal's guilt. Thus, a witness being asked, Whether the accused party had ever whipped him with rods? Though I was innocent, answered the witness. We very often make use of this manner in defending ourselves. Have you not killed a man? The answer is, A robber. Do you possess an estate? The answer is, My own. Sometimes we employ it at once to excuse and to acknowledge an action; thus, Virgil makes one of his shepherds say,

Did I not see you, wretch, a goat surprize?

The other's answer is,

Its master gave it as my lawful prize.

Akin to this manner is that which I have treated of elsewhere; I mean, an arch way of answering, so as to raise a laugh. For if we take such answers seriously, we must hold them for confessions.

There is likewise an agreeable way of one questioning and answering himself. Says Cicero, in his pleading for Ligarius, "Before whom do I own this? Why, before the man, who, though he knew it, yet, without my appearing before him in person, restored me to the bosom of my country." There is another manner employed in his pleading for Cælius; "I may be told, Is it thus you train up young gentlemen? Did his father recommend him, when a boy, and deliver him to you, that you might initiate his youth into lewdness and pleasures? Wilt thou be an advocate for such a course of life and studies?" To this he immediately makes the fine answer that begins with, "My lords, if there is a man endued with such fortitude of soul, with such dispositions to virtue and chastity, as to reject all pleasures, as to finish his career of life with the toils of the body,

and

and the pursuits of the mind." There is a manner different from this, when we question and answer for another person at the same time; Had you no house? But you had. Had you ready money? But you was in want. Some call this, a figure by subsection.

The same manner is effected by comparison; Whether was it more easy for him to give an account of his opinion? This figure sometimes is quick, and sometimes lengthened; it is applied sometimes to one thing, sometimes to several.

The prolepsis or anticipation, by which I mean our answering objections which we foresee, is of great service in a pleading. This figure may prevail through all the parts of a discourse, but it is chiefly proper for the introduction. But though it is only of one kind, yet it admits of several subdivisions. Sometimes it enters by way of precaution, as when Cicero, in his pleading against Cæcilius, anticipates, as it were, the objection, which he foresaw would arise from his commencing impeacher, after having always acted as a defender. Sometimes, by way of confession; as when the same great orator confesses that he blames his client, Rabirius Posthumus, for having entrusted the king with money. Sometimes, by way of forewarning; I say it not to exaggerate his crime. Sometimes, by way of acknowledgnent; I intreat you, pardon me, if I have digressed oo far. Very often by way of preparation; as when ve account at large for what we either have done or re to do. This manner of anticipation serves likevise to fix the property and energy of a word: Though that was not the penalty, but the prohibition of guilt. Sometimes it is employed by way of reproach: My countrymen, if such persons deserve to be called my countrymen.

rius, says, "After the war, O Cæsar, was begun, after its operations were advanced, without compulsion, it being the result of my own judgment and choice, I enlisted myself with that party which took arms against you." Here, this bold avowal, at the same time that it does service to Ligarius, bestows the highest compliment that can be imagined upon Cæsar's clemency. Afterwards, with what wonderful art does he equally establish the merit of both parties, and, at the same time, win over Cæsar, who, he thought, was at the head of the worst, when he says, "But what, my friend, did we do, but wish to be masters of Cæsar, as he now is of us?"

In personating characters, or in the prosopopœia, a bolder manner, and, as Cicero thinks, a stronger exertion, is required: and, indeed, they give wonderful variety and spirit to a pleading. Here we are at liberty to suppose our adversaries reasoning with themselves, and to display their thoughts; but, if we would succeed here, we are to keep within the bounds of probability, by making them speak what it is not unreasonable to believe they think. We are likewise to observe the same rule in all our fictitious conversation with others, and of others amongst themselves; and we are to introduce proper characters, when we apply this manner to the purposes of persuading, reproaching, complaining, praising, and pitying.

Nay, an orator is at liberty sometimes to employ this figure either in bringing gods from heaven, or ghosts from hell; and to give a voice to towns and cities. Some confine this figure entirely to the introduction of supposititious persons and speeches. As to what is supposed to pass between man and man, they call it dialogue, and we call it conversation. But I have ranked both those manners, according to the received practice, under the same head.

pectation of the hearer of some important, some dreadful charge, we bring it down to something that is trifling and inoffensive. But as this is not done in the way of advising, some call it the figure of surprize. But I am against its being ranked as a figure at all; even when we pretend that something has happened contrary to our expectation; as when Pollio says, "Never did I believe, my lords, that when Scaurus was brought before your tribunal, I should be obliged to pray, that the great interest he has may have no influence in his trial."

Permission is almost of the same kind with advising, because, there, we leave certain matters to be estimated by the judges, and sometimes by our opponents; thus, Calvus says to Vatinius, "Put on a brow, and affirm that you deserve the prætorship better than Cato does."

But the figures that are proper for moving the passions, are chiefly effected by fiction. For an orator very often feigns himself to be angry, glad, fearful, surprized, pained, offended, and anxious; hence Cicero says, in his pleading for Milo, "Thus I recover my spirits, I am acquitted." Hence are the expressions of, "The affair goes finely on." And, "What madness is this!" "O times! O manners! Wretch that I am! My tears are exhausted, but my heart is oppressed. Gape, earth, and swallow me." Some, however, think the latter an exclamation, and rank it amongst the figures of speech.

When such expressions arise from real sorrow, they are not to be looked upon as figures; as undoubtedly they are, when they are no other than artful fictions. We may say the same thing of boldness, or freedom in speaking; for, when it is real, nothing can be more removed from a figure. Yet often this manner is made use of to convey an artful adulation. Thus Cicero, in his pleading for Ligarius,

rius, says, "After the war, O Cæsar, was begun, after its operations were advanced, without compulsion, it being the result of my own judgment and choice, I enlisted myself with that party which took arms against you." Here, this bold avowal, at the same time that it does service to Ligarius, bestows the highest compliment that can be imagined upon Cæsar's clemency. Afterwards, with what wonderful art does he equally establish the merit of both parties, and, at the same time, win over Cæsar, who, he thought, was at the head of the worst, when he says, "But what, my friend, did we do, but wish to be masters of Cæsar, as he now is of us?"

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head. For we certainly are as much at liberty to suppose characters as speeches.

But, when a prosopopœia seems a little too bold, it may be softened in the following manner: "For, should my country, that country which to me is far dearer than life; should all Italy, should all the frame of this constitution, thus accost me: Marcus Tullius, what are you about?" In the same pleading Cicero introduces a still bolder manner: "Hear, O Catiline, the manner in which we may interpret the expressive silence of this parent; hear the words in which we may suppose her to accost you: from thee, for these many years, have all offences sprung; without thee has no crime had a being."

A fine effect likewise follows, when we imagine things and persons to be before our eyes, or when we seem surprized that our opponents and judges do not see what we see. For example, I see him, my Lords; do you not think, my Lords, you see him? But this manner requires the utmost powers of eloquence. For, whatever is incredible or fictitious in its own nature, is either striking by being beyond, or ridiculous by being against, credibility.

Imaginary writings, as well as speeches, are sometimes introduced. Thus Asinius, in his pleading for Liburnia, introduces an imaginary testament in this manner: "I devise to my mother, because in life I loved her, and she me, above all other objects; because she seemed to live only on my account, and because she twice saved my life in one day,—NOTHING." This manner of itself is a figure, and is doubly so when, as in this cause, it is introduced in imitation of another testament, which ran in the following manner: "I devise to Publius Novanius Gallio, because I am obliged and indebted to him in the highest degree, and because he has always expressed the greatest esteem and regard for me,—

me,—MY WHOLE ESTATE." This manner here becomes a parody, a term that is applied to tunes composed in imitation of other tunes; and, from thence, to the imitation of verses and speeches.

An orator very often invents forms, as Virgil does one for fame; and Prodicus, as he is represented by Xenophon, for pleasure and virtue: and as Ennius, in one of his Satires, brings in a combat between life and death. sometimes an indefinite person is introduced speaking: Here, some may say; Here, one objects. Common conversation may be introduced without any person at all. Thus Virgil, describing the discourse of the Trojan, says,

> Here Phœnix, here Achilles, made abode;
> Here join'd the battles, there the navy rode.

This manner is effected by suppressing the words, such a man, or, such men said.

The prosopopœia is sometimes converted into a kind of a narrative. Historians often introduce oblique speeches. Thus Livy, in his first book, after telling us that Romulus sent out ambassadors to procure alliances for his infant state, goes on, without expressing the (they said) "that cities, like other things, were inconsiderable in their beginning, but that those which were supported by valour, and favoured by the Gods, rise at last to great power and great glory."

The apostrophe, or the manner which turns from a judge to another person, has a wonderful effect, especially in attacking our adversaries; as when Cicero says, "What, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia?" Or when we employ it by way of invocation: "For you, ye Alban mounts and groves, I implore and attest." Or by way of imploring to excite hatred; Ye Porcian, ye Sempronian laws! But the prosopopœia

pœia may be employed in diverting a hearer from the matter in hand. Thus Virgil makes Dido say,

Haste then, and humbly seek my haughty foe;
Tell him, I did not with the Grecians go,
Nor did my fleet against his friends employ,
Nor swore the ruin of unhappy Troy. DRYD.

This diversion is effected by many and various figures. Sometimes we pretend that we expected somewhat else; that we feared something more considerable: Sometimes that the judges, not being fully informed, imagine the matter more important than it is. And this is the manner employed by Cicero, in the whole of his pleading for Cælius. But that which Cicero calls the placing a thing in our sight, is effected, not by pointing out the manner in which it was transacted, but by painting the very thing in our expressions. This is not to be done by the lump; but by delineating every circumstance; but, in my last Book, I have handled this matter. Some call this figure hypotyposis, by which they mean, expressions that paint out the thing in such a manner, that you may imagine you behold it, rather than hear it. Says Cicero, "He himself comes into the forum inflamed with guilt and fury, his eyes sparkling with rage, and cruelty painted on his countenance." We not only can figure to ourselves past and present, but future transactions. This is done with wonderful beauty by Cicero, in his pleading for Milo, when he describes what must have happened, had Claudius been raised to the prætorship. But this transference of time and place, as I may call it, was more sparingly used by former orators. They generally used it in this manner; Imagine that you behold: Or, with Cicero, figure in your minds what you cannot see with your eyes. But our modern orators, especially those who deal in declamation, are much bolder

bolder in the use of this figure; they charge their images with an extravagance of action, and they are not (by heavens!) animated, but agitated. Thus Seneca (in the declamation upon the controversy, where a father being introduced by one of his sons to a chamber, where his other son was in bed with his step-mother, kills them both in the act of adultery) makes the father say, "Lead me, my son, I follow you; take this aged hand, direct it where you please." Soon after he makes the son say, "Now behold, what for a long time you would not believe." The father's answer is; "I see nothing, I am surrounded with darkness, palpable darkness." This, you may say, is lively; Yes, but it is such a liveliness, as is more proper for the stage than the bar.

Under the same head of the hypotyposis some rank a clear and expressive manner of describing a place, though some give that the particular term of topography.

Some, I know, call all irony, dissimulation. But as that term, as I observed before, does not fully comprehend what is meant by irony, I must, as usual, adopt the Greek word. Irony, therefore, as a figure, differs little or nothing in the kind, from irony considered as a trope. In both cases the meaning differs from the expression; but, if we examine narrowly, it admits of different species. In the first place, the trope is more plain, and though it differs in expression and meaning, yet it is not so much disguised, and is more palpable. Thus, Cicero says to Catiline, "being repulsed there, you marched off to that excellent man Marcus Marcellus, your companion." Here, as all the irony lies in the two words, excellent man, it becomes a trope.

But where irony is a figure, the whole meaning is disguised in a perceptible, but not a palpable manner.

ing one Apollonius of Drepanum, says, "I have nothing to say, if you did plunder him, but that you never did a better action in your life." Sometimes we aggravate crimes, when it is easy for us to confute and deny the charge; but this manner is so frequent, that I need give no example of it. Sometimes, however, by this manner of exaggeration we render the charge more improbable. With this view, Cicero, in his pleading for Roscius of Ameriam, renders by his eloquence the crime of parricide more detestable, if possible, than what the world thinks it.

This suppressing, or as some call it, the checking a word or a thing, is of the ironical kind, and is expressive of passion or resentment; thus Neptune, in Virgil,

Whom I—but meet it is, I calm the waves.

Sometimes it expresses anxiety, or some religious scruple; "Can you think, my lords, that Clodius would have dared to have even mentioned, I will not say in the consulate, but in the life-time of Milo, that Law, which, he boasts, he invented; for as to us——But I dare not speak out." There is somewhat like this in the introduction to the pleading of Demosthenes for Ctesiphon.

This figure is likewise very proper to effect a transition, and likewise a digression, though some think, that a digression is not a figure, but a part of a cause. For Cicero, in his pleading for Balbus, might, without this manner of checking himself, have launched out in praise of Pompey. As to the short, quick digressions mentioned by Cicero, they admit of various manners; the following may suffice as examples of it. "Then Caius Varenus, the same who was killed by the slaves of Ancharis; you will, my lords, I hope, carefully attend to that circumstance." And speaking of Sextus Clodius, in his

the eyes dwell with more pleasure upon objects that are diversified, so the mind is always best pleased when gratified with novelty.

There is a kind of emphasis, which may be ranked amongst the figures, and is formed by some expression that discovers a secret meaning. Thus, when Virgil makes Dido say,

> My life I, like the savage, might have led,
> Free from the woes that wait the bridal bed.

Here, though Dido seems to curse marriage, yet an expression escapes her which discovers that she thought a single life was only fit for the brutal part of the creation, and not for womankind. There is another stroke of the same kind in Ovid, where Myrrha confesses to her nurse the passion she had for her father.

> How happy was my mother in a spouse!

Of a like, or the same kind, is that manner, which is now so much in use, and to which I now proceed, both because it is common, and because I suppose my readers are impatient till I handle it. I mean, when we give a hint, so as to make our meaning understood without expressing it; not that this hint is to be of the ironical kind by being contrary to our meaning, but rather somewhat that is dark, and is, as it were, to be found out by the hearer. This manner, as I observed already, is almost the only figure that now prevails in schools, and hence arise our figured declamations.

We make use of it for three reasons; first, if what we are to say is unsafe to be spoken without a figure; secondly, if it would be indecent; thirdly, because this manner is more graceful, and more pleasing, both by its novelty and variety, than the simple, downright manner.

The

The first reason frequently occurs in our schools where we often suppose tyrants to resign their government upon terms and acts of amnesty to pass after a civil war, which render it criminal to reproach any person with what is past; for the same laws are supposed to prevail in the school, as in the forum. But the figure is differently treated by the declaimer and the orator. The declaimer may be as severe as he pleases against tyrants, provided what he says can admit of a favourable interpretation, because his aim is to avoid danger. Now, if he can skreen himself by an artful ambiguity, he meets with applause.

In real business there is no danger of offending against acts of amnesty; but there may be danger of a like, and a more difficult kind arising from the offence that may be taken from what you say, by a person in power, whom you must disoblige, before you can gain your cause. An orator, therefore, treads upon slippery ground, that requires all his circumspection; for the offence is the same, whether it is conveyed in a figure or not. And a figure ceases to be a figure when it is pushed too far. Some, therefore, reject all this manner of speaking by figures that are either understood, or obscure; but still, I think, we may fall upon a mean.

In the first place, we ought to admit no figures that are palpable, and therefore we ought carefully to avoid all expressions that carry a doubtful or a double meaning. Thus, a woman being suspected of having had a criminal conversation with her husband's father; the son, to apologize for his marrying her, says, I took a wife according to my father's liking. There is another manner which is still more impertinent and silly, I mean an imbiguous disposition of words, as in the case when a father, who was suspected of having debauched his own daughter,

asked her upon examination, Who, my child, debauched you? Her answer was, Do you not know, my father?

The matter itself ought to direct a judge in his conjecture, and this ought to be our only aim. In this case, a well-managed hesitation, backwardness, and unwillingness to speak, has a most excellent effect, by leading the judge into an inquiry after some circumstance or other, which, perhaps, he would not have believed, had it been flatly told him, but believes it from his fondness to think that he has discovered it. But let this manner be ever so artfully managed, we ought to be sparing as to the use of it. For figures, when too thick planted, become too palpable, and are more provoking, though less effectual. A judge, then, thinks it is not modesty but distrust of our cause, that hinders us from speaking out. In short, this figure looses all effect with the judge, unless he thinks that we are really unwilling to speak out.

I was once concerned in a cause, and what is pretty extraordinary, a real cause, which was so circumstanced, that it was impossible to gain it, without making use of the manner I am now speaking of. A lady, my client, was accused of having forged a will for her husband, and immediately upon his death, of having received a conveyance of his estate from the heirs mentioned in that will: which last circumstance was true. Now this was done because the wife was incapable of being left her husband's heir, and therefore he was obliged to make this will in trust for her. This defence, had we spoken it out, would have secured her life against the law; but then the estate must have been forfeited. My business, therefore, was to make the judge understand the real matter of fact, without it being

being possible for those, who informed against the lady, to lay any hold upon what I said; and I succeeded in both. This is a matter I would not have mentioned (for I hate to be thought vain), but I was willing to prove, that such sort of figures are likewise of use at the bar.

Sometimes, when you cannot prove an allegation, insinuation, by a figure, may be of great service. For insinuation, like a hidden weapon, sticks fast, and it is the more difficult to pluck it out, because it is hidden. But flat assertions are liable to a contradiction, and call for proof.

The next difficulty I mentioned was our having some powerful person, either by his character or interest, to encounter with; and we are to be more cautious, because modesty is a stronger restraint upon a good man, than fear is upon a bad one. Here we must manage so, as that the judge may think we are industriously suppressing great part of what we know; and that what we say bursts from us through the force of truth alone, notwithstanding all our endeavours to stifle it. For resentment, at offensive expressions, is greatly abated in the breasts, not only of the judges and hearers, but of our opponents themselves, if they think it against our will, that we throw them out. But by a too frequent use of this manner we may discover, not only opposition, but rancour. In such a case all we gain is to discover to the world that we are doing, what we are sensible we ought not to do.

This false manner prevailed mightily when I first began to teach, as a professor of eloquence. Gentlemen then took a delight to exercise themselves in controversies that had an air of difficulty, though perhaps, in fact, they were easier than any others. A matter of fact, when it is plain and simple, requires the utmost powers of eloquence to establish

it. Whatever is romantic and extraordinary contains such doublings and turnings, as favour a speaker's want of capacity. In like manner, as a person who is pursued betakes himself to turnings and feints, when he finds his pursuer is swifter. Meanwhile, I must observe, that this figured manner of speaking borders pretty near upon ridicule. The hearer too has a pleasure in thinking that he has been able to understand the hints that have been thrown out; he applauds his own penetration, and plumes himself upon another's eloquence.

When decency is to be observed, with regard to character, the manner, and not the figure, is to be chiefly regarded. And yet the custom was, to have recourse to figures, not only in such cases, but in cases where figures were both useless and prejudicial. Thus, in the fictitious case of a father, who had privately murdered his son, whom he suspected of a criminal conversation with his mother, the person who is supposed to plead for the father has recourse to obscure hints and half sentences against his wife. Now, what could be more scandalous, than to observe any measures with such a creature, or still to cohabit with her as his wife? Or what can be supposed more absurd, than that the accused person, by throwing out hints of his wife's detestible guilt, should discover, by his very defence, the shame he ought to conceal? Would declaimers, in such cases, put themselves in the place of judges, they would be sensible how unsufferable such kind of causes are; especially when parents are charged with the most execrable crimes.

Now, that I am upon this subject, I will enlarge a little more upon schools. For there an orator has his education, and, by declaiming, he learns how to plead. I must therefore touch upon those controverted subjects, that require not only figures of insinuation

insinuation,* but such as are flatly contrary to the spirit of the cause: for instance, "a person who is condemned for aspiring to sovereignty, is to be racked till he discovers his accomplices: the prosecutor of this person is to be gratified in whatever he shall desire. A son accuses his father of this crime, and he desires that his father shall not be racked, in which he is opposed by the father." Here the declaimer, who acts for the father, never fails to make him throw out figures of insinuation, that while he is upon the rack, he will name his son, as one of his accomplices. How foolish is this! For, whenever the judges shall understand the drift of the father, they surely either will not torture him, because they must be sensible of the reasons for which he desires it; or, if they do torture him, they will pay no credit to what he says. But it may be said, this is what the father had in view, for thereby he escapes. Then let him dissemble his purpose, if he wants to bring it about.

But (I speak on the part of the declaimers) what is the use of the father's intention, if we do not make a parade in publishing it? Here give me leave to ask, should the case be real, whether we would publish such a secret intention in the father? But supposing this was not his real intention, and that the father had other reasons for opposing his son. For instance, he might be of opinion that the law

* Orig. Asperas figuras; and this reading is retained by Bishop Gibson, Burman, and the best editions; but I perceive that the Leyden edition reads aspersas, which seems to be the true reading, though one commentator says he cannot comprehend the meaning of it. But, if he had looked a page or two back, he would have been sensible that our author was all this time speaking of the aspersæ figuræ. Figuria, says he, spargendæ sunt. Though I translated this by the expression of, insinuation by a figure, yet the meaning plainly is, a figure which marks a subject, and rather hints at, than explains it.

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ought to be observed to the rigour; he might disdain to be obliged to such an accuser; or, most probably, he might wish to have an opportunity of proving his innocence, even upon the rack. Therefore the ordinary excuse here must fail them; "I made the defence intended by the party." For, perhaps, he did not intend such a defence. But supposing he did, are we to plead foolishly, because he judged foolishly? For my own part, I very often think it is far from being proper to follow the instructions of a party in the defence we are to make for him.

Declaimers are often brought into another gross mistake, by thinking that sometimes a party speaks what he does not mean: especially, when they are declaiming upon a person who petitions for leave to put himself to death; as in the following case: A man who had formerly served his country with great bravery, in a succeeding war, demands to be dismissed from the service, because he was past fifty years of age. His son opposing his demand, the father was forced to serve in the army, but deserted. The son, who had done his country vast services in the same war, demands in right of his option, that his father's life and honour should be preserved. Here our declaimers make the father oppose the son: Not, say they, that he wants to die, though he pretends so; but because he wants to render his son the more odious. This supposition is, I think, really ridiculous, for they make the father to have the same cowardly sentiments that they themselves would entertain, were they in this situation, without reflecting upon the many instances we have of men, who have voluntarily put themselves to death, and upon the causes, for which this man, who had formerly behaved so well, must wish to die, after becoming a coward. But it is idle in me to particularize

larize one case. In general, I think, it is shameful for an orator to prevaricate;* nor can I understand where the dispute can lie, when both parties have the same meaning; nor that any man can be so stupid, if he is fond to live, to ask for death in so aukward a manner, rather than not ask for it at all. Yet I am far from denying that fictitious† controversies are sometimes of use.

For example, "A man is accused of parricide, and when upon the point of being condemned, he was acquitted by his father's evidence, of his having done it by his order. The father afterwards disinherited the same son." Here the father neither totally acquits the son, neither can he flatly disown the evidence he had given upon a former trial, but terminates his punishment by disinheriting him. And thus the father, by this fiction, did more than he ought to have done; and the son suffered less than he ought to have suffered.

At the same time, as we do not suppose that a person, in such a case, speaks any thing that is contrary to his real meaning, so it is possible he may mean more favourably than he seems to do, by the nature of the action he brings. "For example, a father disinherits his son, and that son sues his father to acknowledge for his own, a boy, who had been exposed, and whom the father had owned for his son by taking him home, after paying for his maintenance and education." Here the real design of the son, perhaps, is, to be re-instated in his inheritance; but we cannot say, that he is not in earnest in the prosecution.

* Orig. pravaricari. See Vol. II. p. 10, Note (*).

† Orig. figuratæ controversiæ. This is my author's meaning in English, for the Latin does not imply a figure in style, but a dissimulation of intention, though it is certain he does not always apply the word figuratus to that sense. The context will show what I have observed.

Sometimes

Sometimes a charge may have its weight, and yet not be proved. For instance: A man is prosecuted to the rigour of the law; at the same time the judge, by certain credible circumstances, is made sensible that rigour would, in that case, be injustice. This often happens to be the case, particularly in the following subject of declamation. The law is supposed to say, "That a ravisher is liable to the pains of death, unless within thirty days after he commits the rape, he shall not prevail both with his own father, and the father of the woman whom he has ravished, to forgive him. The criminal prevails with the father of the woman whom he has ravished, but is not able to prevail with his own father, and therefore brings against him an action of lunacy; in which, though the son may be nonsuited, yet the judge may be strongly prepossessed in favour of the son against the father, on account of his cruelty in not putting an end to the prosecution.*

The Greeks were fond of figures of the same nature. Themistocles thought it would sound harshly, should he flatly advise his countrymen to abandon Athens; he therefore desires them "to commit it to the care of the Gods." Another, advising them to melt down the golden statues of victory for the use of the war, softened the disagreeable part of his counsel, by telling them "they ought always to make a proper use of their victories." All this manner is in the nature of allegory, for the meaning is different from our expression.

It may be thought proper to inquire, in what manner we can best answer figurative speeches. Some think that the figures ought to be dissected,

* The two foregoing paragraphs have not been translated by Abbé Gedoyn; but notwithstanding their difficulty, I durst not venture to omit them, though I have two or three lines that follow in the original, which are impossible to be translated or understood, unless we could have recourse to the original pleadings quoted by our author, which are not now extant.

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their blemishes exposed, and themselves cut off as morbid matter. This is very often the best way of treating them, because we cannot otherwise destroy them, especially if the figures are employed to establish the point in question. But when they are only employed by way of invectives, we are then justified in seeming not to understand them. However, if they are reiterated, so as that it is impossible for us to avoid taking notice of them, we are then to call upon our opponent to state fairly, and without ambiguity, the matter which he has wrapped up in an unintelligible jargon, and indirect sentences. We are to "hope that he does not presume the judges are to understand, far less believe, that which he dares not venture to express in intelligible terms." Sometimes, likewise, a figure may be defeated by our not seeming to understand it as a figure. For instance (and a noted instance it is), when a pleader solemnly called upon his opponent, To swear by the ashes of his patron: "With all my heart," replies the other. And then the judge very gravely told them both (though he that called upon the other very strongly remonstrated against it), that he understood every thing in the literal sense, and that he had told them before, that he was not to be trifled with by their figures of speech.*

There is a third kind, which we employ merely for the sake of wit and ornament; and therefore Cicero says it has nothing to do with the merits of the cause. This manner is employed by himself against Clodius: "The most secret manner of devotion, says he, was known to Clodius,† and therefore

* The Abbé Gedoyn has omitted this passage; but, as I think it extremely pertinent to our author's purpose, I have given what I conceive to be the meaning of it.

† Alluding to his intruding himself at the celebration of the Eleusynian mysteries in a woman's dress.

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fore if we were to compare the language of our ancestors with our's, almost every thing we speak is a figure, as may be proved by a hundred ways of speaking,* even so late as the days of Cicero; but, I wish the innovations we have made are not for the worse. Verbal figures, however, are of two sorts; the one regards the propriety of speech; and the other, the beautiful arrangement of words; and though both are proper to be known by an orator, yet we may term the former grammatical, and the latter rhetorical.

Grammatical figures, as indeed every other figure, would be so many blemishes in a style, did they proceed from accident, and not from design; but they are generally established by authority, antiquity, custom, and sometimes for certain reasons. Therefore a deviation from the plainness and simplicity of speech is a beauty, if it is formed upon some of the plausible principles I have already mentioned. In one respect, they must be owned to be of great service to a language, by relieving us from the tiresome returns of common and daily expressions, and preserve conversation from that sameness which prevails among the vulgar. But this figurative manner is more agreeable if it is sparingly and judiciously used, as we would high seasoning to our meat; for, by affecting it too much, it loses the charms of variety. Some figures, however, are so very much in use, that they have almost lost the name of figures, and they may pass in the general run of conversation without making any impression upon our ears. But as to figures that are far-fetched and uncommon, and therefore more elevated, we are pleased by their novelty, but satiated by their

* Our author gives us several examples; as, huic rei invidere, for hanc rem; incumbere illi, for in illum; plenum vino, for vini; huic adulari, for hunc.

profusion. It is plain that the speaker did not meet them, but went to search for them, and dragged and collected them from the holes and crannies where they lay concealed.

The gender of a noun may be changed by a figure; and it is done by Virgil, but in cases where the feminine termination is annexed to words that signify either sex.* In like manner, verbs undergo figures,† because a passive verb may have an active, and an active a passive signification. A number is liable to a figure, by the plural being put for the singular, or the singular for the plural; as for example, The Romans are a warlike nation. Here the reason is plain, because the word nation, implies a plurality of individuals. Virgil says,‡

The boys who smile not in their parent's face,
No nymph his arms, no God his board shall grace.

Sometimes the parts of speech are changed, by placing a verb for a noun.§ Sometimes a verb is placed for a participle, and a participle for a verb.‖ Sometimes the tenses are altered; for instance, Timarchides denies that he is in danger, instead of, denied. And the future for the present, This Ithacus wishes. In short, there are as many manners of making figures, as there are of making solecisms. Sallust, not from any desire of innovation, but from a love of conciseness, has been pretty bold with regard to figures. But I own, that when a manner of speak-

* Oculis capti talpæ, and timidi damæ.
† Arbitror, su-picor, &c.
‡ ———Cui non risere parentes,
Nec deus hunc mensa, dea nec dignata cubili est.
§ ———Et nostrum istud vivere triste
Aspexi. Pers. Sat. 1.
‖ Magnum dat ferre talentum. Virg.

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ing is once established, I am in doubt whether it ought to be considered as a figure; nay, we know manners of speaking now in common use, which were condemned both by Pollio, and by Cicero.*

Figures sometimes are recommended by their antiquity, of which Virgil was wonderfully fond, and we may perceive many of his lines in which he has had an eye to the antient dramatic poets. I shall mention one in that beautiful description of the shield of Turnus:

> The monster seems to rage and glow the more,
> The more the thunders of the battle roar.

Here the image is plainly taken from the following passage in the old dramatic poet;

> The more fierce public calamity grows, the more keen he is upon mischief.

It is common for us to make use of the positive for the superlative degree, and a particular for a general address; says Virgil,

> Plant not thy vines against the setting sun.

And again,

> Oh let not sleep my closing eyes invade
> In open plains, or in the secret shade.

Here the poet speaks to every body, though he seems to particularize one. Sometimes we may speak of ourselves in the third person; says Cicero,

* Rebus agentibus, contumeliam fecit, for affici contumelia. I have translated as much from the original as I could do with any manner of propriety; nor indeed should I have translated so much, had it not been that our author's remarks throw great light upon Virgil. What I have omitted cannot be translated into any language; nor indeed is the sense of it very material to the Latin, it being what every school-boy knows; not to mention that in fact it has been all said already.

Servius

Servius affirms, and Tullius denies. An interposition (called by the Greeks a parenthesis) may be likewise reckoned amongst the same kind of figures. An example of this we have in Cicero's pleading for Milo; When I restored you, my friend Cicero (for we often discourse together), to your country. To this some add, the hyperbate, not as it is a trope, but an apostrophe, that alters the manner of speaking, without changing the sense.

> The Decii, Marii, great Camillus came,
> And thou, O Cæsar, greater still in fame!

The same poet afterwards employs the same figure in a stronger manner, when speaking of the tyrant who murdered Polydore, he says,

> Who, when he saw the power of Troy decline,
> Forsook the weaker with the strong to join;
> Broke ev'ry bond of nature and of truth;
> And murder'd for his wealth, the royal youth.
> O sacred hunger of pernicious gold,
> What bands of faith can impious lucre hold!
>
> DRYDEN.

Little or nothing different from this figure is that of transition; what shall I say, or where am I? We have a remarkable passage in Virgil, where he unites the parenthesis and the apostrophe:

> Near this, the double Metius meets his fate,
> (Thou Alba, faithful to the Roman state
> Remainst) his quiv'ring limbs while coursers tore,
> And Tullus triumph'd in the traitor's gore.

All such figures, whether they are effected by changing, adding, retrenching, or transposing, render a hearer attentive; and when they are properly managed, they never are tiresome; nay, their resemblance to blemishes renders them the more agreeable,

able, in the same manner as a little acid is an improvement in cookery. But this effect ceases, if they return too frequently; if they are not varied; or if they are too much crowded; because rarity as well as variety renders them entertaining, and keeps them from palling upon our taste.

There is a more penetrating manner of figures, which is not merely accommodated to elocution, but makes an agreeable, and even a strong, impression upon our passions and understanding. For instance, when an expression is repeated; thus, Cicero makes Milo say, "I have slain, I have slain, not a Spurius Melius." Here the first, "I have slain," is by way of indication; the second by way of affirmation, which gives a climax to the sentiment. This same manner is sometimes employed to increase compassion; thus Virgil, O Corydon, Corydon. This manner however may sometimes be applied ironically. The repetition of a word sometimes may be used, after an interposition of other matter. Thus Cicero, in his second philippic, says, "at a public auction, before the temple of Jove the Stayer, the goods of Pompey (how wretched am I! my tears indeed are spent, but my grief is lively), the goods, I say, of the great Pompey, were put up by the doleful voice of a public crier." And in his invective against Cataline, he says, "yet you live; you live, not to lay aside, but to swell, your audacious guilt." In another passage, he raises an effect wonderfully spirited, by the repetition of the same word, at the beginning of every sentence; "Art thou not abashed, by the nocturnal arms that watch the palatium? Not by the guards of the city? Not by the consternation of the people? Not by the unanimity of all our patriots? Not by the impregnable situation of this assembly? Not by the reproachful looks of the fathers of Rome?" The same manner,

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at the end of a sentence, produces the same effect; for instance, in his pleading for Milo; "Who demanded them? Apius. Who produced them? Apius. From whence came they? From Apius. Some may think, however, that this example belongs to another figure, because every question has the same beginning and the same answer. I will give another and a very fine example of this manner; Who are they that have repeatedly broke their most solemn engagements? The Carthaginians. Who are they that carried into the bowels of Italy a most inhuman war? The Carthaginians. Who are they who have laid our country waste with fire and sword? The Carthaginians. Who are they who are now imploring our forgiveness? The Carthaginians.

In comparisons, likewise, there generally is an alternate repetition of the same words at the beginning of every sentence; for which reason I have marked comparison as a verbal, rather than a sentimental figure. Says Cicero, in his comparison between Sulpicius and Murena, "You get up long before day light to give counsel to your clients, and he, that he may arrive in good time with his army to the end of his march. You are awaked by the crowing of a cock, and he by the sounding of trumpets. You draw up a process, and he marshals an army. You make out securities for clients, he for towns and camps." But the orator, not contented with this beauty, by the same figure inverts the order of persons; "He knows how to guard against the attacks of an enemy, and you against the inconveniency of a drain or water spout. He is employed in enlarging territory, and you in regulating it." The same figure sometimes places the word which begun a line in the middle of it. Thus Virgil,

Thee, Augia's groves, thee Fucine's lucid streams.

This manner may be varied through other parts of a sentence.

sentence. "For his parents, many torments were invented, for his relations, many." There is a manner of making a narrative, and then turning it into repetition and division.

> Behind me, Iphitus and Pelias came,
> Iphitus aged was, and Pelias lame.

We have other examples of this manner in Cicero's pleading for Cluentius; one amongst many is as follows; "Here, fathers conscript, appear your doings, glorious doings indeed; but, as I have said, they are not mine but your's."

Sometimes the word which finishes one period begins the next, and this manner is frequent among poets;

> I sing to Gallus, muses bring your aid;
> Your aid to Gallus, never was delay'd.

The same manner is not unfrequent with orators, as Cicero says of Cataline, "The traitor lives; lives! did I say? he mixes with the senate." Of the same kind is the following, where the like sentiment is kept up through the several members of a period; "I gave him up to all dangers, I exposed him to all deceit, I abandoned him to all envy." "This, my lords, is your decree, this is your opinion, this is your determination." Some call this manner, metonymy, others. a disjunction; and both terms are proper, though they vary in being separate denominations for the same thing.

Sometimes we have an aggregation of words of the same signification. Says Cicero to Cataline, "Since such, O Cataline! is the situation of your affairs, finish what you have planned; for once march out of the city; her gates are open, they invite you to be gone." And in another place he says, "Cataline is gone, he is vanished, he is escaped, he is sallied out." Cecilius thinks that in this manner there

there is a pleonasm, or a redundancy of words, and likewise in the following passage from Virgil, "I myself saw before my eyes." But I have already observed, that an unnecessary redundancy of words is a blemish in eloquence; but, here, by Virgil's management, it gives strength and colouring to the affirmation; for every word contains an idea. I therefore cannot see why Cecilius blames this passage in particular, for he may as well give the term of pleonasm to every expression that is redoubled, repeated, or added.

Sometimes, we make use of not only an aggregation of words, but of sentiments with the same meaning. Says Cicero, in his pleading for Roscius, "Presumptuous guilt is the fury that torments; an evil conscience the frenzy that rages; and stinging reflection the terrors that distract." Circumstances of different meanings may likewise be aggravated. "He was impelled by a woman, by the cruelty of the tyrant, by affection for his father, by blind resentment, rashness, madness." I cannot agree with those who call this manner a complication of figures, since it proceeds upon one single figure, admitting of various words, some of them signifying the same, and some a different, thing. Thus Cicero says, "I appeal to my enemies, Whether all those matters were not traced, found out, laid open, removed, undone, extinguished by me." Here three words have one signification, and three have another. The last example, however, and the foregoing, by throwing out the conjunctions form another figure which is very beautiful, when we are speaking earnestly and eagerly, because every word makes an impression, and the objects are multiplied.

This figure, which you may call the figure of disjunction, is made use of not only in single words,

but sentences. Thus Cicero, speaking against Metellus, says, " Such of the accomplices as were discovered, were called in, committed to custody, brought before the senate, examined in the Senate." Opposed to this is a figure that abounds with conjunctions often repeated; Thus Virgil, speaking of the Libyans, describes them as having, " each man a house, and a fire-side, and arms, and a Spartan dog, and a Cretan quiver." Both those figures are formed upon the same principles, for the disjunctive gives keenness and earnestness to a style, while the re-iteration marks the passion, which, as it were, forces out the same words again and again.

The gradation, or climax, is effected by an art, which is less disguised, and more palpable, and therefore it ought to be more sparingly used *. The following is a fine example of this figure; " Africanus, by application, acquired merit; by merit, glory; and by glory, envy." We have another example from Calvus: " We have now no more trials for oppression, than for treason; no more for treason, than for public corruption, no more for public corruption, than for bribery; no more for bribery, than for every violation of every law." We have some examples of this kind amongst the poets, as when Homer deduces the migration of a sceptre, from the hand of Jupiter to that of Menelaus. And one of our dramatic poets brings a progeny from Jupiter to his own times.

Some figures suppress words, to give the style more conciseness and variety. I have already spoken of the synecdoche, which is a figure of that kind, and its property lies in the meaning of a sentence being fully comprehended, notwithstanding the suppression. Thus Cælius, speaking against

* In the original, there is an example from the oration of Demosthenes for Ctesiphon; but it is so depraved that I have followed the Abbè Gedoyn in not translating it.

Antony,

Antony, says, "The Greek to be astonished with joy." Here the word began is understood, though it is suppressed. And Cicero writing to Brutus, "No talk but of you—for what better?"——There is a figure akin to this, where certain expressions are with-held for decency sake. Virgil, for instance, makes one of his shepherds say,

I know both how and where—the goats stood by,
The nymphs were kind and laugh'd.——

Some call this figure Aposiopesis, or the figure of silence, but I think improperly; for in the Aposiopesis we do not, all at once, see what is suppressed, and it requires several words to supply it, but here only one word is wanting, and you instantly find it out.

I have already touched upon the figure that is effected, by throwing out the copulatives; but there is a third, which is effected by the junction of several sentences to one word, to which they all refer; for instance, "Modesty was defeated by lust, bashfulness by boldness, reason by madness." "Thou, O Cataline! art none of those, whom the sense of shame reclaims from dishonour; fear, from danger; or reason from rage." It is by a kind of application of this figure we call our descendants of both sexes our sons, we mingle singulars with plurals, and sometimes it connects two circumstances that are quite different from one another; for example, "The covetous man is in want of what he has, as well as of what he has not." Some refer to this the distinctions between resembling virtues and vices; for example, "To your cunning you give the name of wisdom, of valour to your presumption, and of economy to your avarice;" but as this manner is entirely resolved into definition, I am in doubt whether it can be called a figure.

A transition

A transition from one quality to another, of a similar kind, is another manner.

By lab'ring to be brief, I grow obscure.

Another figure is calculated to strike our ears, and to raise our attention, by a collision of similar, equal, or opposite words. This we call a paronomasia, and it is effected in several manners, and the same words may occur in different cases of the same sentence. For example, "Of all things she is ignorant, in all things she is unhappy." A word, by being subjoined, often acquires more significancy, "The man who devours another, is he a man?" These examples are easily imitated by a skilful redoubling the same word, "This law, says Cicero, was not a law to private men." This last example is pretty much the same with another kind of figure, which we may call refraction, that is, when one word is introduced into the same discourse in two different senses; for example, "Says Proculus to his son, you are always wishing for my death." "I do not wish for it, father," answers the son. "But, sirrah," replies the father, "my desire is, that you may be always wishing for it." Some effect is likewise raised from the similar sound of words introduced in the same sentence; for example, "He was roosted where he ought to have been roasted."* This manner is next to that of punning. "Redress is not to be had from a red-dress." Says Ovid,

Furia, why should I not thee fury call?

But this wit is low even in conversation, where jests are allowed: I am therefore surprised that ever

* The low manner, here taken notice of by our author, ought to be carefully handled; and it is impossible literally to translate the examples he brings.

they

they should be recommended by any rules; and the examples I have given ought rather to induce my reader to avoid, than to follow, this manner.

There is great elegance, however, when a similarity of words is retained, so as to mark a distinguishing property. We have an example of this in Cicero's invective against Catiline. "This public pestilence, says he, will thus be repressed for a time, but not suppressed for ever." The same thing is sometimes done by a change of prepositions. For example, "Will you suffer him, I say, to escape, so that he may seem not as driven from, but into the city?" It is very beautiful and spirited, when the play of words is reconcileable to the dignity of sentiment; for example, "By being mortal he purchased immortality." But this manner is detestable when it degenerates into a gingle; for example, when one plays upon the similarity of names and words. Scipio looked sheepish:" "Fathers conscribed, said one, let us not act as if we were circumscribed." "Because he had a share in the plow, he wanted to have a share in the government."

Sometimes, however, a sentiment may become spirited and beautiful, merely by being conveyed in words that have a similarity in sound.* Some old orators were extremely careful to keep up an antithesis, by opposing, to one another, words of a similar sound, cadence, or termination. Gorgias carried this practice to extravagance, and Isocrates struck

* Here our author gives an example from his father, who it seems was a pleader, but it cannot be translated into English. A certain person said, he would die in his command, rather than return unsuccessful; but happening to return unsuccessful in a few days, says Quinctilian's father to him, Non exigo uti immoriaris legationi, immorare: "I expected, said he, that you would not fail, though you did not fall, in your command."

pretty

pretty much into it in his younger days; nay, Cicero had a taste for it; and it is far from being disagreeable as he managed it, by putting it under regulations, and by making the weight of the sentiment an over-balance for the puerility of the manner. For, that which of itself would seem an insipid, trifling, piece of affectation, far from being stiff and forced, appears natural and easy, when the sense and the sound coincides.

Similarity of words is effected in four manners. First, where the sounds are the same, or pretty much the same: poppies and puppies; flame and fame; hop and hope. Or when words have the same termination; "I expected a purse, and not a curse." And this manner has a very fine effect when it coincides with the sentiment: "A loyal subject may be sometimes susceptible of dissatisfaction, but never of disaffection." Secondly, two divisions of the same period may end alike, as in the last example. Alliterations, or redoubing of letters at the ends or beginnings of words, are continued through several expressions. For example; "It was tiresome, tedious; and in Latin, Cicero says, "Abiit, excessit, erupit, evasit." Thirdly, where the cadence falls upon the same cases, though without similar terminations, and they answer regularly to one another, either in the beginning, middle, or end of a sentence. And sometimes the middle answers the beginning, and the beginning the end; just as conveniency offers. "The protection I lately lost, says Domitius Afer, though it did not screen me from danger, yet it saved me from despair." Fourthly, Similarity may consist in all the members of a sentence being equal, that is, answering one another in sense and situation. For example; "If impudence, at the bar and in courts of justice, is as powerful as violence is in wilds

and

and deserts, my client must be as unequal a match for his opponent's impudence here, as he was for his violence there." This manner has a very fine effect.

The antithesis, or the counterpoising one word by another, is effected by a regular correspondence of one word with another; as, "Modesty was defeated by lust; bashfulness by boldness; reason was defeated by madness." Sometimes two words are opposed to other two; "Not my capacity, but thy courage." Sometimes one sentiment to another: "Let envy be powerful in assemblies of the people, but let her be humbled in courts of justice." Here we may very properly add an antithesis, which is marked by a distinction; "The people of Rome are foes to private luxury, but friends to public magnificence." But I shall now give an example from Cicero, which contains all the beauties of this manner. "This, my Lords, is a law, not adopted by custom, but inherent to our being; a law not received, learned, or read, but an essential, cogenial, inseparable character of nature; a law which we have not by institution, but by constitution; not derived from authority, but existing with consciousness." Here, through the whole of this quotation, we see every property has its opposite. But this is not always the case; witness the following example from Rutilius. "To us the immortal Gods first gave corn; we were the sole proprietors of that gift, and we distributed it through all lands. Our ancestors left us a commonwealth, and we have delivered our allies from slavery."

A figure may likewise be formed by a conversion of terms, as when Socrates said, "I do not live that I may eat, but I eat that I may live." And in the following example from Cicero, where the cases undergo a mutual conversion, which is so managed,

that

that both members of the sentence end with the same tenses. "That without envy, the guilt may be punished, and without guilt the envy may be laid aside." The following is an example of another kind: "For though the skill of Roscius is such, that he seems the only man worthy to tread the stage, yet his life is so amiable, that he appears alone worthy to be exempted from that profession." There is likewise an agreeable manner of opposing names to one another: "If Antonius is consul, Brutus is our enemy: If Brutus has preserved his country, Antonius is our enemy."

It is needless for me to descend to farther particulars, because this subject has been handled by writers, who have not considered it as part of their work, but have composed whole treatises upon it, such as Cæcilius, dionysius, Rutilius, Cornificius, Visellius, and several others. And many moderns now living have equal merit on the same account. To say the truth, it is possible for one to invent many more figures of speech; but I deny it is possible for him to invent any that excel those which are to be found in our eminent authors. For Cicero, that great master of eloquence, in his third Book, concerning the character and qualifications of an orator, mentions many figures, which by omitting in his Speaker (a treatise which he wrote afterwards), he seems himself to have condemned. Some of them are sentimental, rather than verbal, figures. And some of them are no figures at all. I shall therefore omit mentioning those authors who have carried the art of inventing figures to an excess, and have confounded the argumentative with the figurative manner.

There is one short piece of advice I think proper to give with regard even to real figures, which is, that as a judicious application of them embellishes a style,

style, so an immoderate hunting after them renders it ridiculous. Some speakers there are, who, neglecting the weight of argument, and the power of sentiment, think they do mighty matters, if they turn and twist a parcel of empty words into figures, and therefore they go on to string them together without end. But it is as ridiculous for a man to aim at eloquence, when he has no meaning, as it would be to aim at gesture and attitude without a body. Even the most beautiful figures ought not to be too thick sown. We know that the command of features, and the turn of the look have fine effects in pleading; but if a man was for ever to be rolling about, and torturing his eye-balls, twisting his features, and knitting his brows, he would be laughed at. Eloquence in her appearance is open and simple; but though her features ought neither to be insensible, nor unalterable, yet the look which nature gives her, sits in general most gracefully upon her.

The great accomplishment of an orator is to know how to speak most suitably to place, character, and occasion; for the property of most of the figures I have mentioned is to please the ear. But when an orator is to raise the emotions of detestation, hatred, or compassion, can we bear him, if he rages, weeps, and deprecates in time and measure, in smooth-turn'd periods, and a delicate cadence? No, upon such occasions, a curious choice of periods makes a speaker's sincerity suspected, and the more art he discovers, the less credit he obtains.

CHAP. IV.

CONCERNING COMPOSITION.

I KNOW not if any part of Tully's oratorial works is more laboured, than that concerning composition.

Therefore, I should not have presumed to have touched upon that subject after him, had not several writers, his cotemporaries, in letters addressed to himself, ventured to find fault with his rules about composition. And several, since his days, have published treatises upon that subject. Therefore, in general, I agree with Cicero. And with regard to those points, which are uncontrovertible, I shall be concise. But, perhaps, I shall be more diffuse, where I differ from him; yet while I am laying down my own judgment, I shall leave my reader to his.

I am sensible that some are against all study of composition, and maintain that an unpolished style, the words standing as chance directs, is the most manly; as well as the most natural. Now, if, by natural, they mean a style dictated by pure nature, without the least polish or cultivation, no part of our art can there take place. For mankind at first spoke without rules or instruction; they knew not how to prepossess by an introduction, to instruct by a narrative, to prove by arguments, or to work upon passions. They were, therefore, ignorant of all those particulars, as well as composition; but if it is wrong to improve upon their manner, it was wrong for their posterity to exchange their huts for houses, their hides for cloaths, or their mountains and woods for towns and cities.

Where is the art that has existed since the beginning of the world? Is there aught that may not be meliorated by culture? Why do we bind up the vines, why do we dig round them? Why clear our fields of weeds, since the soil produces them? Why do we tame animals which are untractable by nature? But because whatever is best accommodated to nature is most natural. Now, is a thing that is rude and unconnected, stronger than what is well compacted

pacted and well placed? For if some fops* in literature mince and fritter their style, while others indulge themselves in wild rants and extravagant flights, are we to call any thing of that kind composition? Observe with how much more force a river proceeds, when it rolls along without obstruction, than when its stream is divided, broken, and weakened by interposing stones and rocks; in like manner a well-connected style, delivered with its full powers, is preferable to that which is rough and ragged.

Why therefore should we imagine beauty to be incompatible with strength, since skill improves the force of every thing, and art is always accompanied by gracefulness? Have we not the greatest pleasure in beholding the course of the javelin that is delivered with the greatest address? And the archer, who knows how to aim his arrow with superior skill, is always the most graceful in his appearance and attitude. In all combats and exercises of arms, they who have the finest motions, and the most dextrous address, are most successful either in assaulting or defending.

In my opinion, therefore, composition serves, as it were, to give force and velocity to sentiments, as strings or engines do to projectiles. Therefore every man of knowledge and experience knows, of what vast efficacy composition is, not only in pleasing the ear, but in moving the passions. For in the first place, that which strikes against our ear cannot enter into the mind, to which the ear is, as it were, the vestible. In the next place, nature is delighted with harmony. As a proof of this, musical instruments, when finely touched, without any expression of words, lead the hearer from one affection to another,

* Orig. Ut Sotadeorum, & Galliamborum.

as

as the master pleases. In our sacred entertainments of music, some notes are fitted to rouse, and others to allay, the passions; some are fitted to inspire courage, and others to move compassion; and the notes of an army's march to battle are different from those of its march to a rendezvous. It was a constant practice with the Pythagoreans, while upon the watch, to rouse their spirits by the notes of the lyre, that they might be more vigorous for action; and the same lyre, when they went to rest, composed and soothed their minds, and settled every tumult of the thought. Now, if there is so powerful, yet silent, an effect in airs and tunes, the same effect must be much more powerful in eloquence.

As it is of great importance to find proper words for our sentiments, so it is of equal to turn those words in such a manner, as to produce a pleasing and harmonious period. Sometimes a sentiment may be but low and the exertion mean, yet a fine effect may arise from the composition alone; nay, what may appear to us strong, harmonious, and beautiful in the elocution, shall lose all its power, delight, and gracefulness, if we transpose and change the order of its words. Cicero, in his Speaker, makes this experiment upon some passages of his own;* where by altering the order of the words, they become as so many broken, pointless darts, that fall short, without doing execution. He likewise cor-

* Though the observation here is extremely just, and applicable to the English language, yet the passage of Cicero is not to be translated with a view to its harmony, the particular property of which is incommunicable in another tongue, as the reader may judge from the original, which is, "Nam neque me divitiæ movent, quibus omnes Africanos & Lælios multi venalitii mercatoresque superarunt." Cicero says, that a slight alteration in the disposition of the words would spoil the effect of this period, viz. "Multi superaverunt mercatores, venalitiique."

rects

rects some passage in the orations of Gracchus, which he thought were harsh. This was noble in that great master of eloquence; but let us be contented with the merit of bracing whatever is slack, and of rounding whatever is rough in our own compositions. For why ought we to have recourse to foreign compositions, when we may make the experiment upon our own writings? One thing I am convinced of, that the more beautiful a period is, either in sense or composition, the more disagreeable it appears when you disarrange its words. For the neglect of the arrangement becomes more remarkable by the brilliancy of the expressions.

I am therefore ready to acknowledge, that perfect composition is the finishing excellency of an orator, yet, at the same time, I must be of opinion that the ancients applied to composition as far as their skill reached. Neither does the great authority of Cicero himself persuade me that Lysias, Herodotus and Thucydides, disregarded composition. The manner of each might be different from that of Demosthenes or Plato, each of whom had a different manner.

A sprightly cadence must have corrupted and destroyed the fine delicate diction of Lycias, because it would have spoiled the gracefulness of that simple, unaffected manner which is his characteristic, and have hurt the credit which it commanded. For we are to remark, that the orations he wrote were to be pronounced by other people, who being ignorant and illiterate, he was obliged to suit his compositions to such characters; and this, of itself, is the great art of composition.

As to history-writing, its manner ought to be quick and rapid, without being broken by full-turned periods, without admitting those breathing-places so necessary for a pleader, and those arts which the orator often employs in the beginning, and the close

of

of a sentence. Meanwhile, when Thucidides introduces a speech into his narrative, we meet with some harmonious cadences, and well-marked distinctions. As to Herodotus, if I am a judge, his manner is harmony itself, and the dialect in which he writes is so agreeable, that it seems to comprehend every latent property of music. But I shall hereafter consider their different purposes; at present I am to instruct my orator in the best manner of composing.

In the first place, then, one kind of prose style is close and compacted; another, such as that we use in letters, in conversation, is loose; unless when we treat of subjects out of the common road of either: such as philosophy, or government, and the like. I do not mean that even a loose, detached style, has not peculiar cadences and numbers, which are perhaps more difficult to hit upon, than those of the other manner; for neither conversation nor epistolary writing ought to be upon a perpetual yawn by sequent vowels, or void of proper stops, but to shun a laboured fluency, and a close adhesion, and all studied regularity, of words. Nay, instead of being constrained, they will be rendered easy by measures and numbers.

Sometimes, in petty causes, the same simplicity of expression is graceful; but this arises from a peculiarity of the numbers, which comes not within the rules of art; and even these are so disguised, that they are not immediately perceptible, but by their effects.

But as to the close and compacted prose-style, it admits of three forms, distinguished by commas, colons, full-stops, or periods. And in this kind of composition three requisites are to be observed—order, connexion, and numbers. As to order, it takes place in single words, or more; with regard to

the former we are to avoid a dwindling of style, for whatever is weak ought to be subjected to what is strong. Thus, sacriledge is a higher crime than theft, and robbery than impudence. For every sentence ought to rise and gather strength in its progress, as in that fine passage from Cicero, when he mentions Anthony's "Throat, sides, and prize-fighting person;" for there, somewhat that is greater succeeds what is more inconsiderable; and the sentence must have dwindled, had he proceeded from the person to the sides, and from thence to the throat. In some cases, nature dictates the order. Thus, I would mention men before women, day before night; the rising before the setting of the sun, or any other body, rather than the reverse. A word may be to preposterously placed as to become redundant: Brothers that are twins; we say no more than if we had said twins.

I am against too great an exactitude, by placing the nominative always before the verb, the verb before the adverb, the substantive before the adjective and the pronoun. For the opposite practice has often an exceeding good effect. I disapprove likewise of those, who are so scrupulously exact, as to tie themselves down to the order of time, so as never to mention one thing, without mentioning what went before. This, in general, I own is right; but a matter may be so circumstanced as that a posterior fact may be of infinitely more consequence than the antecedent, which, for that reason, ought to be postponed.

Where the matter will suffer it, it is by far the best manner to terminate a period with a verb. For the energy of style lies in verbs. But should that manner occasion any roughness, we must consult harmony; as was done frequently by the greatest of the Greek and Latin poets and orators. Where the verb does

does not close the period, the hyperbate takes place. And indeed it may be ranked amongst those tropes of figures that improve a style. For we have no occasion to weigh every quantity of a word that enters into prose. Therefore we can remove them from one part of a sentence to another, where they may stand the most conveniently: just as in a mass of rude stones, even the largest, and the most unshapely, may find a place where it can serve to use and advantage. Most happy is that style, where regular order and proper connexion falls in with an harmonious cadence.

I have already observed, that some transpositions are too long; others do hurt to the style; and they are affected merely to give it an air of gaiety and gallantry, for instance, a description which Mecænas gives us, * where he introduces a gaiety of expression and ideas, upon a very melancholy subject.

Sometimes a word has great energy, by standing in a particular part of a sentence, and, in another part of it, would be either over-looked or overclouded. Thus in Cicero's description of Antony's debauches, by placing a certain word † in the close of a period, he gives it a wonderful effect, which would be quite lost, if it stood in any other part of the sentence. Afer used, especially in his introductions, that he might give his style an air of simplicity, to finish his period by some transposed word, because being an enemy to all the enchanting delicacy and smoothness of periods, while they were gliding pleasingly on, he threw in some expression to interrupt and disturb their current; for example,

* Orig. Sole & aurora rubent plurima. Inter sacra movit aqua fraxinos. Ne exequias quidem unus inter miserrimos viderem meas.

† Orig. Ut tibi necesse esset in conspectu populi Romani vomere postridie.

Heartily,

Heartily, my lords, do I thank you.* And in his pleading for Lælia, By them both, before your tribunal, my client is brought in danger. It is perhaps needless to inform my readers that an injudicious disposition of words in a period gives it often an ambiguous meaning. Thus much I thought proper to speak concerning the disposition of words. For if that is ill-judged, a period may be both fluent and harmonious, yet must the style be considered as careless and slovenly.

I am now to speak of smoothness. And that consists in words, parts of sentences, and periods. For all their beauties and blemishes consist in a proper disposition. That I may treat of these in order: in the first place, some blemishes are so palpable that they hurt even the most uninstructed; for instance, when the last syllable of one word, and the first of the next, running into one another, form a word that is unseemly and indecent; or when, by a concourse of vowels, a period is made to yawn, to hobble, and, as it were, to groan.

Long vowels, following one another, have the worst effect; especially when they are such as require an extension of the throat and mouth. This is not so observable in the collision of the (E) or the (I), when the first vowel is pronounced full, and the latter quick. A short vowel after a long, or a long after a short, is not very disagreeable; and two short vowels together are less so. In short, a collision of vowels is more or less disagreeable, according as they require the same or a different extension or compression of the organs. Meanwhile, we are not to consider this as a matter of mighty moment, and I know not which extreme is worst, that of neglecting, or

* Orig. Gratias agam continuo. Eis utrisque apud te judicem periclitatur Lælia.

regarding, it too much. For, very often, too great a fear of falling into it interrupts the beautiful career of eloquence, and diverts the speaker from nobler considerations. Therefore, as it discovers negligence to fall into this fault, so it is mean to be always in a panic for fear of it.

There is some reason for blaming the followers of Isocrates, and especially Theopompus, for their over-scrupulous attention to this point; of which Demosthenes and Cicero were less regardful. For the melting two vowels into one, which we call a synalœpha, may render a period smoother than it would be, were each word to end with its own terminating vowel. Sometimes there is a grace in words that require a large extension of the mouth; for, thereby, they acquire an air of dignity.* For the long syllables, which we call the preferable ones, give time to breathe, which is necessary, where there is a great concourse of vowels. Here I shall introduce the words of Cicero upon this subject: "As to the yawning and concourse of vowels, it contains somewhat that is indeed effeminate, but, at the same time, it discovers a negligence that is not quite ungraceful; because it shows a speaker to be more intent upon his matter, than his expression."

With regard to consonants, those which are sharp are apt to have a disagreeable effect by their hissing or snarling; for example, when an (s) falls in with an (x) Virtue's Xerxes; Art's Studies. For this reason some † have been known to suppress the (s) at the end of a word, when the next word begun with another consonant, especially an (s). This practice is blamed by Lauranius, and defended by

* The example given by our author is,

Pulchra oratione acta omnino jactare.

† Viz. Servius.

Messala. For it is thought that Lucilius, the old Latin poet, omitted the last (s) when he was to say, Serenus fuit, and, Dignus loco. This, Cicero tells us, was a common practice with old orators,* *even with regard to other final consonants.* They used to say, *Belligerare*, *Po'meridiem*; and Cato the censor said, *Die' hanc*; thereby softening the (M) into an (E). When ignorant people met with such examples in old books, they used to correct the orthography; and by blaming the ignorance of the copyist, they exposed their own.

There is a peculiarity in the (M), that when it ends a word, which precedes another word beginning with a vowel, it is almost sunk; for instance, multum ille, quantum erat. Here it sounds almost like another letter, and, without being entirely suppressed, it serves as a barrier between the two vowels.

Care ought likewise to be taken, that the last syllables of one word are not the same with the beginning syllables of that which immediately follows. The reader will not be surprised that I recommend this caution, when he reflects, that Cicero himself falls into the error in a letter to Brutus.† He repeats the same oversight in the following line.

A blessing sing, for thy most happy hap.

Too many monosyllables, succeeding one another, have likewise a bad effect; for they necessarily make the period hobble, by containing so many stops and rebounds. In like manner, we ought to guard

* These words in Italics are absolutely necessary, in order to make sense of this passage, for they have slipped out of the original.

† Orig. Res mihi invisæ visæ sunt, Brute. I think our author has not properly considered this passage; for the repetition here blamed seems to have been purposely introduced by Cicero.

against

against too long a series of either short or long words; because they render a style tiresome. For the same reason, we ought to avoid stringing together similar cadences, terminations, or cases; and introducing verbs upon verbs, and the like, without interruption; because, even the beauties of style become tiresome, unless they are aided with the charms of variety.

We are not tied down to the same rules with regard to sentences, or parts of sentences, that we observe with regard to words; yet, even in the former, the beginnings and endings may fall in with one another. But, in composition, we ought to take great care to observe the order in which we place our words. Cicero gives us an example of it in his description of Antony's shameful behaviour after his debauch.* But he reverses this beautiful order in his pleading for Archias, when he says (for I often repeat the same examples to make them familiar to my reader), rocks and deserts are responsive to the voice; music has charms to soothe and tame the horrid savage. Here, I say, were the order of the words reversed, the sentiment would rise and improve in its progress; but, though it is more difficult to move stones than brutes, yet the order in which Cicero has arranged the words is the most graceful. I will now pass to numbers.

Whatever regards the structure, the dimensions, and the connexions of words, consists either in numbers, which are employed according to their length or shortness, or in measures, which are applicable to lines. Now, though both numbers and measures are composed of feet, yet the difference between them is material; for numbers consist in a

* Nam & vomens frustis esculentis, vinum redolentibus, gremium suum & totum tribunal implevit.

certain

certain space of time, but measures require order likewise. The property, therefore, of the first is quantity, and of the other quality.

In numbers, the feet may be equal; for example, the dactylus, which contains a long syllable equal to two short ones. Other numbers have the same property; but this is best known. For every school-boy knows, that a long syllable contains two times, and a short syllable only one. The proportion may likewise be sesqui-alteral, that is, it may contain two quantities, the last of which must be equal to one and a half of the other. The pæon is a foot of this kind; for it contains one long syllable, and three short ones. Equal to this, are three short ones and a long one; or any other quantities that bears the same proportion as nine does to six, or thirty to twenty. Or the proportion may be double; for example, the iambus which consists of a short and a long, which is in the same proportion as a long and a short.

In the dactyl, considered as a foot, it is indifferent whether the two short syllables come first or last, because there time is only regarded. But in a verse, an anapest, or a spondee, cannot stand for a dactyl, and the pæon must begin with a long syllable. A line of poetry, likewise, does not admit of one dactyl or one spondee to stand for another. For example, the following line in Virgil has five dactyls immediately succeeding one another.

Panditur interea domus omnipotentis Olympi.

Here, if you alter the position of the dactyls, you destroy the whole structure of the verse.

Even prose * has its feet; and very often, with-

* I have here omitted some part of the original, which can be of no manner of service to an English reader, because it is applicable only to Latin verse. What I have translated of that kind may be of use, even in English compositions.

out

out our being sensible of it, it runs into all kinds of measures. Nay, we have had grammarians so over curious, that they have reduced prose works into Lyric and other measures. But Cicero again and again says, that all the beauty of disposition consists in numbers or notes; and he is blamed by some, as if he wanted to bind prose down to the laws of verse; for versification consists in notes or numbers, according to Cicero himself: and Virgil after him says,

I have the numbers, if I knew the words.

And Horace speaks of notes or numbers unsubjected to rule.

The following passage is likewise objected to in Cicero: "Nor would Demosthenes have brandished so many thunderbolts, had he not, by numbers, given them force and rapidity." Here, I cannot be of opinion, that Cicero meant that the style of Demosthenes was set to notes; because notes have one certain regular effect, and a regular return, which is far from being the case with regard to the style of Demosthenes. The meaning, therefore, of Cicero is noble, and he often repeats it, that he requires a composition to be harmonious according to its subject; and that a style should approach nearer to that justness of numbers required in poetry, than to that broadness and clownishness which disregards all kind of melody. In like manner, as we love to see a young gentleman discover by his air and motions, that he has learnt his exercises, rather than that they should resemble those of a professed master or a mere clown. But the causes that effect the happy and musical turn of a period certainly deserve some name; and I know no other name than that of numbers, oratorial numbers, if you will; in like manner as we call an enthymema, an oratorial syllogism. For my own part, that I may shun those reflections,

reflections, which were thrown out even against Cicero, I hope it will be understood, that when I speak of numbers, I always mean, and always have meant, oratorial numbers.

The business of arrangement is to connect together words that are established, selected, and which have a determined meaning. For words which are void of that are to be rejected for others, however harsh their combinations may be. Meanwhile, a speaker may select a word out of many, that signify the same thing, and have the same force. He may even add a word, if it is not quite impertinent. He may suppress one, if it is not essential. He may, by means of figures, alter his cases and numbers; and this variety, even without harmony, is often agreeable, because it gives gracefulness to the composition. In composition, reason may be for one word, and custom for another; and either then may be chosen, as best suits the author's purpose. He is likewise to use his discretion with regard to melting one syllable into another, and in whatever does not hurt the sentiment, or the expression. But in this matter his great business is, to know the particular use and place of every word; and this is the great art of composition; the effect, which the arrangement of words has, being but a very inferior consideration.*

The management of numbers, however, is much more difficult in prose than in verse. For in the first place, a verse is shut up in a few words, but in prose a period may have a large sweep. Secondly, one verse is always like another of the same kind, and certain rules are stated for all verses. But unless prose affords variety, its sameness grows tiresome, stiff, and affected. Besides, the numbers of prose

* This must be our author's meaning, for the original is very depraved.

are

are diffused through its whole body and substance; because every thing we speak must necessarily consist of long and short syllables, out of which metrical feet are composed.

Harmony, however, is chiefly required, and most perceptible, in the close of periods; for there the sentiment ends; and an interval naturally divides it from the beginning of the subsequent sentence. Besides, after the ear has followed a period that is kept up to its close, and is entertained, as it were, by a fluency of style, it is in the best condition to judge of its harmony. The glow of diction then ceases, and thereby we gain time for reflection on what we have heard. For this reason, a period, by being closed, becomes neither harsh, nor abrupt, because the mind thereby recovers afresh its recollective faculties. Here eloquence shines forth with all its powers; the hearer has his full gratification, and nothing but applause succeeds.

Next to the close of a period, its commencement requires our utmost care; for there the hearer is all attention. But there is not the same difficulty in the commencement as in the close; for words in the commencement of a period, being detached from the preceding ones, are not governed by them in their cadences. But let preceding words be ever so well arranged, they lose their gracefulness, if the close of the period is abrupt and precipitate. Nay, it may happen that two periods may close with the same numbers, yet the one, by coming too abruptly to its close, may have far less grace than the other. In this respect, Cicero, in one or two instances, is thought to have fallen short of Demosthenes.* Even

* The original here is extremely depraved, nor are the examples brought from Demosthenes and Cicero by our author, applicable to the English language, though his general observation certainly is.

in

in verse, the closing a line with a word that has a great many syllables, renders it weak and spiritless. And we may say the same thing of prose.*

The middle of a period likewise demands our attention, so that it may be well connected, without being drawling or tedious; and without falling into another and a worse fault, that of its consisting of short, quick, pert words, which gives it a sound like that of a child's rattle. For though our greatest cares ought to be employed about the beginning and close of a sentence or period, yet the middle too makes its impression, and requires proper, though slight, pauses; in like manner, as a man's foot, while he is running, leaves a print.

We are therefore not only to take care how we begin and close our sentences and periods, but likewise how to arrange the middle part; though it is connected, and without any full-stop or breathing; for that too admits of certain, though concealed, pauses. The following passage contains only a single sentiment, and requires but one breath to pronounce it: I have observed, my lords, the whole pleading of the prosecutor, to be divided into two parts. Yet even here are proper pauses to relieve the breathing of the speaker, without discontinuing it.

An entire verse is quite unpardonable in prose, and even part of a verse stands in it with a very bad grace, especially if the period begins with words that would stand properly at the beginning of a verse, or ends with such as might properly close it. But the reverse practice has often an excellent effect; for we may very well begin a period with words which might form the end of a verse, and close it

* This observation is certainly true with regard to English verse, but I think it is not applicable to English prose.

with

with those which might begin it.* Above all, a period is very improperly closed by the end of an hexameter line. An example of this we have in one of the epistles of Brutus: For they chose not to have guardians or advocates, though they were sensible that Cato loved their cause. But in epistolary writing, such as this is, the blemish is less sensible, because the style there admits of almost as much freedom as conversation does. This proves that such tags of verses will drop unwittingly from us. But Brutus was apt to fall into this errror from the overcare he had to render his style smooth and flowing, as Ennius often, nay Cicero sometimes, does the same. Witness the first words of his pleading against Piso: Immortal gods!† to what are we reserved?

Prose compositions admit of all the feet made use of in poetry. But those feet that are most full and long give the greatest weight to a style; the short make it quick and fluent. All are serviceable in their proper places; for a style must be egregiously faulty, if grave, solemn, quantities are employed in those passages which require quickness; and swift, rebounding quantities, in those that require gravity.

The observations, however, that I have made upon the quantities that enter into a prose style, are not introduced to prevail with an orator, whose style

* Great part of the original here is rendered unintelligible by the transcribers and editors. Therefore I have omitted it. But were it not, it is entirely accommodated to the genius of the Latin and the Greek languages; and so far as can be judged of it, it is not a little fanciful, even applied to them. I have translated all that can be of use to an English reader.

† Here follows a long and no very instructive dissertation in the original concerning Greek and Latin quantities, which I have omitted; because a man of a good ear, copious elocution, and tolerable judgment, can easily compass all that is intended by it, and they can be of service to no man without these qualifications.

ought

ought to be free and fluent, to spend his time in measuring feet and weighing syllables. Miserable and trifling must such a business be! The man who should wholly apply himself to that, will have no time to bestow on matters of greater moment; for, abandoning all regard for sense or elegance, he will employ himself, to speak in the terms of Lucilius, in suiting stones for Mosaic pavements, and shells for flowers, and grotto-work. Such littleness damps the heat, and weakens the force of genius; as we check a horse in his career, and rein him in when we want him to amble. No, numbers never will be wanting, if the composition is just. In prose, as in verse, we set about it, without, at first, hitting upon the proper cadences. The ear directs us, and by the fortuitous repetition of the same cadences, we observe when they become harmonious; and then, by examination, we find them just and measured. Practice therefore, in writing, is sufficient to instruct us in this part of composition, and will give us a habit of arranging our words with grace and harmony.

After all I have said, I am to observe, that we are not so much to regard the scanning of a prose period, as its whole sweep; for poets do not so much regard the five or six feet that form a verse, as they do the genius of poetry, that is to inspirit the whole. For poetry was practised long before it was observed, and Ennius very rightly says,

That fauns and oracles indited verse.

Composition, therefore, in prose, is the same with versification in poetry. Now the ear is best judge of composition. If a period is full, the ear is satisfied; if defective, the ear requires somewhat more. If harsh, it is hurt; if gentle, it is soothed; if spirited, it grows eager; it rests upon whatever

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is firm; it hates all lameness; and loaths all redundancy. Learned men, therefore, judge of composition, by the art it requires, as well as the pleasure it gives: the unlearned by the latter only.

But certain points are not to be communicated by rules. The continuation of the same case may give disgust; then we are to change it. But have we any rule into what other case we are to change it? No. Figures often, by their variety, relieve a style that must flag without them. But what figures are we to employ? Without doubt, both verbal and sentimental. But for this we can lay down no particular rule; all we can do is to consult the present time, occasion, and circumstances. The different pauses, which are so material in composition, can be found only by the judgment of the ear. Why may one period, consisting but of a few words, be full, nay, redundant, while another, which consists of many, seems short and unfinished? Why, in other periods, the sense may be complete yet still somewhat defective appear. Says Cicero, All of you, my lords, I believe, are sensible, that for some days past, this has been talked of amongst the vulgar; it has been the opinion of the Roman people. Here, why does the orator say, some days past, rather than, some days; especially as it would not have created any harshness? I really can give no reason for this. All I can say is, that I am best pleased with the words as they stand. Where is there any occasion to add any thing after the word vulgar? I can say nothing to that. All I know is, that my ear would not have been fully satisfied without the additional words, repetitory as they are. The ear therefore is the only judge. A man may not know the meaning of the words severity, and smoothness, in composition, yet nature may instruct him in what learning does not; for he will

will be sensible of it in himself. But nature herself is to be worked upon by art.

It is the great business of an orator to know, how to suit his composition to his subject. Here two things are to be considered, first the feet, next the composition arising from the feet. I shall first speak of the latter. I have already observed, that they may be reduced under three heads: the words bounded by commas, those by colons or semi-colons, and those by full stops. The former makes part of the colon, or semi-colon, according to the general opinion. But, I think, it may imply likewise, a sentence without a period. Had you no house? But you had. Had you money? But you was in want. I have finished my pleading; I will now produce my witnesses. Here, I have finished my pleading, though bounded by a comma, is in fact a sentence.

The words bounded by a colon, or semi-colon, which I call a member of discourse, may indeed be a sentence with a period; but being severed from the body of the discourse, it has, in itself, no meaning. Cunning rogues! is a complete member, but it is as useless in discourse, when it stands unconnected, as a hand, a foot, or a head would be, when severed from the body. In like manner, O cunning measure! O formidable abilities! Here it may be asked, When does this member come to be of use to the body? The answer is, not till the period is complete. Was there a man amongst us, who did not foresee the measures you have taken? This, Cicero gives us as an example of a complete, but very short period. Thus we see that commas and colons are generally mingled together, and require to be closed with a period.

Cicero calls a period by several names, such as that of a round, a circuit, a sweep, an extension, and

a just conclusion. Periods are of two sorts, one that is simple, containing a single sentiment rounded by several words. Another which consists of commas and colons, and containing many sentiments or objects; as in Cicero's description of Verres, He had with him the goaler of the prison, the butcher of the prætor; and so forth.* Every period may count at

* I have already observed, that I have in this chapter omitted great part of what is to be found in the original. But besides the reason I have mentioned, I mean that of its being useless to an English reader, I have another, which is, that I am very doubtful, whether all that is said there, concerning the application of metrical feet to prose compositions, really came from our author. It is plain from what I have translated, that he himself thought such minutenesses to be of little or no use in prose compositions. And he has comprehended, in a very few words, all that, in this respect, can be useful even to a Latin style. But we are further to reflect, as I hinted on a former occasion, that our author was succeeded by swarms of ignorant assuming professers, who read his works in their schools, and added to, altered, or curtailed, them, as they thought proper. To keep such interpolations from the knowledge of the public, it was necessary for them to destroy the most genuine copies of his book. This, more than probably, is the reason, why all the manuscript copies of it are so modern, mutilated, and incorrect. The passages, I am now translating, seem to have suffered greatly from the same causes.

For this reason I shall, after Monsieur Rollin, endeavour to give a concise state of what is generally understood on those heads. A period contains a sweep of words and sentiments, till the sense becomes full. For example, "The liberal studies employ us in youth, and amuse us in old age; in prosperity they grace and embellish, in adversity they shelter and support; delightful at home, and easy abroad, they soften slumber, they shorten fatigue: and enliven retirement."

By the consideration of the above passages, the reader will easily comprehend the meaning of a period and its divisions.

It is either simple or compound; an example of the former is, "Cæsar by being unambitious would have been happy." A compound period admits of two, three, but seldom of above four members. For then it runs into discourse. The above simple period may be turned so as to be an example of one with two members. "Cæsar, if he had been void of ambition, would have been happy." An example of three members is, "instead of tarnish-

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at least for two members, but it sometimes admits of more than four, which I take to be the middle number, in order to render it complete. Cicero assigns it as much length as four hexameter verses contain, or as many words as we can command, without taking breath. The properties of a period are to terminate the sense, in a clear and intellible manner, and to bound it so, that the memory may easily contain it. When the members, or the inferior stops are too long, they grow tiresome; when too short, they are slight and slippery.

In all pleadings that require keenness, eagerness, and exertion, we throw in the inferior stops, with quickness and smartness. For it is a great property in speaking to bring your composition to answer your subject, to give to a harsh matter, a harsh cadence, so that your hearer shudders as you proceed, and is affected as you are affected. In narratives we generally make use of members, or if we employ a period, we disengage, and, as it were, unbrace it, to make it appear free and unconstrained. But this is to be understood only of the instructive part of a narrative; for when it requires ornament, the arrangement must be artful, smooth, and melodious. Witness, when Cicero, in his narrative against Verres, introduces the rape of Proserpine.

The period stands very properly in the introduction to causes of great consequence, the subjects of which call for expressions of anxiety, favour, or compassion. It is likewise of service in all general topics, and in all cases that require to be ampli-

ing his virtues by ambition, had Cæsar been moderate, he would have been happy." A period of four members runs as follows, " instead of tarnishing his virtues by ambition, had Cæsar been moderate, his life would have been happy, and his death lamented."

fied;

fied; with this difference, that, when you are the accuser, the turn of the period is to be pointed and severe; but if the defendant, insinuating, loose, and gentle. It is likewise of great service in winding up a pleading; but the whole force and majesty of it ought to shine, when the judge, besides being master of the cause, begins to be charmed with your eloquence, commits himself to its guidance, and yields to the delight it gives him.

History does not so much require to be wrote in regular numbers, as in disengaged, yet connected, periods. For each member of it is interweaved with another, because it is always gliding and flowing, as when men, by holding each other by the hand, keep their steps firm in slippery places, and each gives strength and support to the other. All the numbers in the demonstrative kind requires a cadence that is more easy, free, and disengaged. As to the deliberative and judiciary kind, it comprehends many various subjects, and, therefore, requires great variety of cadences.

Here, I am to treat of the second consideration which I mentioned. For there can be no doubt that some matters are to be delivered with gentleness, some with spirit, some in a sublime, some in an earnest, and some in a weighty, manner. The sublime and the weighty require longer syllables than the ornamented. The gentle require to be delivered leisurely, while the sublime and ornamented require strength and clearness likewise. I would recommend quickness to arguments, divisions, jokes, and whatever borders upon conversation.

As to the introduction of a pleading, its composition ought to be varied according to the nature of the subject; for I cannot agree with Celsus in thinking that all introductions ought to have the same cast, and recommends the following from Asinius,

Asinius, as a pattern for them all, "Cæsar, were we at liberty to chuse from all men that now live, or ever did live, a judge to decide this matter, we could fix upon none more agreeable than yourself." I am far from saying that this period is not well composed, but I deny that it ought to be the model for the beginning of all introductions. For, in preparing the mind of a judge, we must assume various characters: sometimes that of distress, sometimes bashfulness, sometimes keenness, sometimes severity, sometimes insinuation, sometimes we are to implore clemency, and sometimes to exact rigour. As all these are different properties, so they require different manners of composition. Cicero, however, uses the same cadences in the several introductions to his pleadings for Milo, Cluentius, and Ligarius.

A narrative requires a gentle, and what we may call a modest, cadence, and suits better with nouns than verbs.* For though verbs may render it concise, yet they make it swell at the same time; and too much of either property must be very inconvenient, when the sole purpose of the speaker is to inform and print matters in the mind: in general, I am for having the members of a narrative to be long, but its periods short.

When the argumentative part of a pleading is keen and spirited, the numbers and cadences employed in it ought to be suited accordingly; but without making too great use of the trochæus, which is quick indeed, but without force. In general, when we use a mixture of long and short feet, I am against the former exceeding the latter. As to the elevated parts of a discourse, they require

* The original here is very obscure, if not unintelligible: the general sense of the paragraph, however, is obvious.

vertent sincerity, and to take from it all suspicion of art. And this perhaps is the most artful part of an orator's business.

Meanwhile, we are not to observe in composition too great distances between corresponding words, because we may thereby discover an affectation of gracefulness, and above all things, we are never, for the sake of a cadence, to throw aside any word that is proper and significant. No word can be so unwieldy, as that it may not be suited with a proper place where it may stand; unless all we hunt for is the smoothness, and not the gracefulness, of composition.

Neither can it be surprising that the Latins have been more curious than the Athenians were, as to composition. For we are to consider that the Latin language is neither so copious, nor so graceful as the Greek; a consideration that justifies Cicero for deviating a little, in this respect, from the manner of Demosthenes. But in the last book of this work, I shall explain the difference between the Latin and the Greek language.

I shall conclude this book with observing, that composition ought to be nobly agreeable, and diversified; and that its parts are three, order, connexion, and harmony. It requires judgment in adding, retrenching, and changing. We ought to suit it to the nature of our subject, and our great care ought to be bestowed upon sentiment and expression. And whatever harmony we give it, ought to be disguised so, as to appear natural, and not artificial.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK X.

CHAP. I.

CONCERNING THE BENEFIT OF READING.

THE rules I have already delivered, necessary as they are for the instruction of a young orator, are far from being sufficient to render him eloquent, unless he acquires a settled habit, a certain happy faculty in practising them. Now, the question is, Whether this is most effectually to be attained by writing, by reading, or by speaking. This might be a proper subject for minute discussion, were it possible to attain it by any of these qualifications singly. But, so connected, so blended, are they with one another, that, when any one of them is wanting, the rest become inaccessible; for eloquence never can acquire solidity and strength, without receiving powers from the practice of writing; and that practice is useless, unless it has for its director that critical knowledge, which can be acquired only by reading. But, let a man be ever so much master of the critical and speculative parts of eloquence, unless he possesses the abilities of carrying them readily and properly into practice upon

upon every occasion, he can be considered only as master of a treasure which he cannot use.

Meanwhile, though an acquirement may be indispensably necessary to eloquence, yet it may not be of the greatest efficacy towards forming an orator. Speaking is the chief business of an orator, and therefore his first care ought to be to learn elocution; and it is plain that this forms the groundwork of eloquence. Imitation comes next, and perfection in writing completes the whole. But, as it is impossible to come to the summit but by fundamentals, so, the nearer we approach to it, the more inconsiderable these appear.

But I am not here to handle the rudiments of eloquence (which I have sufficiently, or at least to the best of my abilities, already discussed), but as the master of an academy, after giving his pupil rules for his exercises, instructs him how to practise them in earnest, so I am to instruct the young orator, after he knows how to invent and dispose his materials, and how to chuse and arrange his words in the best and the easiest way of carrying into execution what he has learned. Now there can be no manner of doubt, that an orator ought to lay up a magazine of stores, which he is to employ as occasion shall offer, and this magazine must consist in materials, or things and words.

With regard to materials each cause is peculiarly circumstanced; few are alike: but all causes require words. Could a single thing be expressed only by a single word, we should, in this respect, be under no great difficulty; because the word must then present at the same time with the thing. But as some words are more proper, more ornamented, more significant, and better sounding, than others, we ought not only to have them in our head, but, if I may so speak, in our eye, and in our hands,

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so as to be able readily to employ the best, out of all that present themselves from the store-house of knowledge.

I am sensible, indeed, that some orators have got by rote, collections of words signifying the same thing, that they may the more readily employ one out of many, and having used one, should occasion call for it again, they may make use of another of the same signification; that they may thereby avoid a repetition of the same word. But this piece of knowledge, besides being puerile and painful, is of very little use; for, all such an orator does, is, to amass a rude heap, from which he takes the first word that comes to his hand, without distinction. For my part, I regard the powers of eloquence, and not a random volubility of speech, and, therefore, the stores that I recommend must be collected with judgment, and used with skill. This can only be done, by reading and hearing whatever is best in its kind. This will make us not only acquainted with words, but will enable us to give each thing the term that suits it best, and to place it to most advantage. For there scarcely is a term in language (excepting a few, that are indecent), that may not enter into a pleading. Nay, even indecencies are often applauded in the works of iambic poets, and in our old comedy. But it is the business of an orator, to risque nothing from indecency, or lowness of expression. There is not a word, but those I have already excepted, that may not be employed to the greatest advantage. An orator is obliged sometimes to employ expressions that are vulgar and mean; and terms that would appear groveling in a polished part of his pleading, have propriety when introduced with judgment.

It is impossible for us to acquire the knowledge of all this, and not only the signification, but the declensions

declensions and conjugations of words, so as to apply them fitly, but by great practice both in reading and in hearing; for all language enters at first by the ears. As a proof of this we are told of a king, who placed dumb nurses to attend certain young children brought up in a desert place, and that these children pronounced words before they had the gift of speech.*

Some words are of such a nature, that though they signify the same thing, it is quite a matter of indifference which we make use of. For example, a dagger or a poignard. Other words are proper to certain things, and yet, by a trope, they are applied to the same thing, and convey the same idea; as for example, this sword, and this steel. And whoever murders another privately, in whatever manner or with whatever weapon he does it, we say, he cut his throat. To express some things, we make use of circumlocutions, as Virgil, to express a great cheese, calls it, a large quantity of pressed milk. We have likewise several ways of expressing a simple thing by varying the terms. I know, I am not ignorant, it has not escaped me, I am very sensible, I am not insensible, who does not know? No man can doubt. Sometimes we borrow from neighbouring qualities and senses. I understand, I perceive, I see, often signify no more than, I know. Now reading will furnish us with plenty and variety of such expressions, and not only teach us how to use them readily, but properly. For such terms are not always convertible. To express his understanding a thing, a man may say, he sees it. But it would be improper for him to express his seeing a thing, by saying that he understands it.

* We have this story from Herodotus, l. 2. c. 2. who refers it to Psammeticus, a king of Ægypt; and he says, that when the children were hungry, they called out becos, which in the Phrygian language signifies bread and food.

A sword

A sword gives us the idea of steel, but steel does not always give us the idea of a sword.

But as by the methods I have recommended, I mean those of hearing and reading, may give us a copiousness of words, yet we are not to employ them for the sake of words only. For the examples which suggest to ourselves, are of more efficacy towards perfection, than the rules themselves that are laid down. Because, when a student is capable to form an example to himself and to apply it, he must have come to that point of perfection, as to be sensible of propriety and beauty without a master, and is able to proceed without any assistance, because he can now practise from the orator, what he had before only learned from the master.

Reading and hearing have their several and separate advantages. In hearing, the speaker arouses us by his spirited action; he fires us, not with ideas and imaginations, but with realities. All is alive, all is animated; the impressions we receive are new, pleasing, and interesting; for we are interested not only in the event of the trial, but in the success of the pleader. Add to this the graces of voice and action judiciously disposed, and properly exerted. In short, the whole of what the speaker says and does gives us equal instruction, especially as what we had before in idea, we now see in reality, and thereby it becomes more powerful.

In reading, however, our judgment is more certain; for while we are hearers, we are apt to be imposed upon, either by our own prepossessions in favour of the speaker, or by the applause his speaking meets with from the other hearers. A man is ashamed to be singular in censuring, and he has within him a certain secret check, that bids him not trust too much to his own opinion. Thus it happens, that what is faulty often pleases the majority,

jority, or venal flatterers get the better of private dislike. Sometimes the reverse happens; and an ill-judging audience does not relish even the greatest beauties of eloquence. In reading we are more disengaged; we are not hurried away by the force of action, we are at freedom to review the words again and again; and either to satisfy our doubts, or to imprint their beauties more deeply upon our memory. I therefore recommend a review and examination of what we read, in the same manner, as macerating the food we swallow, assists digestion. For when what we read is not crude and raw, but dressed and prepared by frequently reviewing it, it becomes more proper either to be remembered or imitated.

But the authors upon whom we take all this pains, ought to be the most excellent in their several kinds, and the least liable to impose upon our judgment; we ought however to read them with attention, and even go so far as to reduce what pleases us to writing. Neither are we to examine them partially; but after we have read over the whole of a composition, we are to begin it anew, especially if it is an oration; because there the beauties are often industriously concealed. For an orator makes use of prepossession, dissimulation, and art, and frequently in the first part of his pleading, he lays down that from which he is to draw the greatest advantages towards its close. A thing therefore may not effect us at first, because we may then be ignorant of the speaker's motives for introducing it. And therefore we ought to review and examine the whole, that we may be thereby enabled to form a thorough and complete judgment of what we read.

It is likewise of the utmost importance that we make ourselves masters of the subject of the orations we read, and, as often as possible, to read their answers

swers likewise: such as that of Demosthenes against Æschines; those of Servius Sulpitius and Messala, wherein the one prosecutes, and the other defends, Aufidia: of Pollio and Cassius in the trial of Aspernas; and many others of the same kind. Where the match is unequal in point of eloquence, we must have recourse to an answer for the sake of information: such as that of Tubero against Ligarius, defended, and of Hortensius for Verres, prosecuted by Cicero. It is likewise of great service to know, in what manner different orators have handled the same cause: we have a pleading of Callidius, in favour of Cicero's estate; and Brutus composed an oration for Milo, merely to try his talents; though Celsus is under the mistake of saying, that he actually pronounced it in public. Pollio and Messala defended the same parties; and when I was a boy, very fine pleadings for Volusenus Catulus by Domitius Afer, Crispus Passienus, and Decimus Lælius were handed about.

The rising orator, in the course of his pleading, is not to imagine, that every thing composed by a great author is equally finished: no; great authors sometimes slip; sometimes they sink under their burden; sometimes they give too much way to the pleasure of imagination, and the bent of genius; sometimes their spirit droops, and the faculties sometimes are wearied out. Cicero, for instance, thinks that Demosthenes nods; and Horace, that Homer himself slumbers. These in their several ways, were great men; but then they were no more than men. And it often happens, that they who lay down whatever such men wrote, as infallible rules, imitate their blemishes, and think they resemble a great master, if they follow him in his faults.

In judging however of those great men, we ought to be diffident of ourselves and circumspect, for it often happens that we condemn what we do not understand. The most eligible extreme however, when we are reduced to judge positively, is to approve of every part, rather than to find fault with much of their compositions.

Theophrastus is of opinion, that the reading of poetry may be of great service to an orator; and in this he has been followed by many, and that with great reason; for from poets we learn to give animation to circumstances, sublimity to words, every emotion to passions, and every grace to characters; all which properties are of great use to an orator, whose spirit may be exhausted through daily application to his business at the bar, and therefore requires to be recruited by the charms of poetry. For this reason it is that Cicero recommends, at leisure hours, the reading of the poets.

Meanwhile, we are to observe, that the orator is not to imitate the poet in every respect; for he is to avoid the licentiousness of his expression, and the boldness of his figures; remembering that poetry is calculated to strike and amaze; that all its aim is to delight; that it succeeds not only through fiction, but improbability, and that the public indulges it, because poets, being tied down to certain measures, are not always enabled to make use of proper terms; and being compelled out of the direct road of expression, they are obliged to take refuge in certain purlieus, as it were, of style, and are forced not only to alter the sense of some words, but to lengthen, to shorten, to convert and divide them, differently, from their original meaning.

But we orators must remember that we stand under arms, in the array of battle; that we are to fight for a most important prize, and that all our aim

aim ought to be victory. Not that I would have an orator's arms to be dirty and rusty: no; they ought to be bright, but their brightness ought to be that of steel; a brightness that strikes at once the soul and the eye; and not the feeble glitter that is shed from gold or silver, and which, instead of being useful, is dangerous to the wearer.

There is in history a soft and agreeable moisture, which may be serviceable in nourishing eloquence. But while we read it, we are to remember that what are beauties in the historian are generally blemishes in the orator. History is next to poetry as to its composition, it being a kind of a poem without quantity. It is writ merely to narrate, and not to prove; and the whole of it is calculated, not for the immediate purpose, or a present dispute, but to hand facts down to posterity, so as to do honour to the historian's genius. And on that account it avoids all tediousness of narrative by the freedom of its language, and the boldness of its figures.

For this reason, the conciseness of Sallust, which to the critical, the disencumbered, reader, sounds so justly, is improper for an orator to employ before a judge, who is seldom a man of much learning, but always a man of great business, and intent upon a thousand other considerations. On the other hand the diction of Livy, though flowing with milk and honey, is insufficient for the information of a judge, searching not after the beauty of Language, but the truth of facts. Let me observe farther, that Cicero thinks the diction of neither Thucides nor Xenophon is proper for an orator, though he owns the style of the one to be as animated as the sound of the trumpet, and that the muses spoke from the mouth of Herodotus. An orator, however, may in his digressions sometimes adopt a flourish from history, provided that when he comes to the main question,

he remembers that he is to do execution as a soldier, and not to perform feats of activity as a wrestler, and that the glossy robe said to be worn by Demetrius Phalereus, suits ill with the dust and the bustle of the forum.

History, however, in another sense, may be of very great use to an orator; though foreign to my present purpose, by furnishing him with a knowledge of things and precedents; a most important knowledge to an orator! who must otherwise be obliged for it to his client. But let him be careful as to what he adopts, and that it be from the most undoubted antiquity; and those kinds of precedents or examples will have the greater weight, because they can lie under no suspicion of being calculated to gratify favour or resentment.

Orators have yielded up to philosophers the chief part of their profession, and, therefore, have themselves to blame that they are obliged to be so much indebted to the reading of philosophers. For philosophy is chiefly employed upon the subjects of justice, honesty, and utility, and their opposites. It likewise treats of divine matters, and its arguments are close and keen. Nay, this Socratic manner is very proper to form the future orator to all the business of altercating, and examining witnesses or parties. But, even here, we must use a caution, like what I have already recommended, by remembering, that though we deal in the same subjects, yet there is a vast difference between pleaders and disputants; between a court of justice, and a school of learning; between teaching rules, and trying causes.

CHAP. II.

CHAP. II.

CONCERNING THE AUTHORS THAT AN ORATOR OUGHT TO READ——THEIR CHARACTERS AND EXCELLENCIES.

HAVING said thus much to recommend the practice of reading, I suppose it will be generally expected that I should add somewhat concerning the authors proper to be read, and concerning the excellencies that distinguish each. This would be an endless labour, were I to be particular upon every one. If Cicero, in speaking of the Roman orators, employed so many pages of his Brutus, (though he was silent as to all his cotemporaries, excepting Cæsar and Marcellus) what volumes must I write, were I to characterize particularly, not only all who lived with, and after, Cicero, but all the Greeks, and all poets and philosophers. It is therefore a short, and a safe, rule, which Livy recommends in a letter to his son, when he says, "that Demosthenes and Cicero ought to be read till the reader attains to as near a resemblance as possible to Demosthenes and Cicero." I cannot, however, help giving my own opinion: which is, that there are few or none of the antients, whose works have survived the injuries of time, that may not be serviceable to an orator, who shall read them with judgment; especially as Cicero acknowledges himself greatly indebted to the reading of the most antient authors, who were men of great, but artless genius.

My judgment of the moderns is pretty much the same; for, is there an author so despicably infatuated, as to publish works, no part of which gives him the smallest glimpse of hope that they will descend to posterity? If there is, he is discovered by reading a few lines, and we throw him aside without

out

out any waste of time in making a farther experiment. But we are not to imagine that a smattering of knowledge, that some merit in style, will immediately communicate to an orator the diction I am recommending.

But before I come to characterize particular authors, I must premise some general observations concerning the variety of opinions on this head. Some think the ancients are the only authors that can bear reading, and that we can no where else find natural eloquence and manly strength. Others are charmed with the wanton, pretty, pleasing, style of the moderns, suited to soothe the multitude. Others mind nothing but speaking to the purpose. Others think, that a concise, dapper, manner, rising very little above common conversation, is the true and genuine attic style. Some are charmed with the elastic spring of genius, with its fire, force, and spirit. Many are in love with the manner that is all gentleness, beauty, and neatness. I shall examine all those different sentiments, when I come to treat of the style that is most proper for an orator.

Meanwhile, I shall just touch upon the advantages in general which they who read in order to improve their eloquence, may read from the authors they read; and for that purpose I shall only mention the most eminent; because it will be easy for a man of learning, from them, to form a judgment of the others. This I premise, lest any one should blame me for omitting an author that is perhaps his favourite; which may, indeed, be the case, because I shall omit many that are worthy to be read. But all that I am now recommending is that kind of reading, which can best qualify a student to be an orator.

As Aratus thinks proper to begin his work *

* Viz. his Poem upon Astronomy; he was cotemporary with Theocritus.

with

with Jupiter, so I cannot begin this review better than with Homer. To him we may apply what he himself says of the ocean, that it furnishes all rivers with their force, and fountains with their streams. For he gave the example, and was the source of every part, of eloquence. In great subjects none ever exceeded him in sublimity, or, in small ones, in propriety. He is free though regular, and agreeable though grave; his copiousness and conciseness are alike wonderful, and his oratorial, are as eminent as his poetical, powers. To say nothing of his panegyrics, his exhortations, and his condolements, does not his ninth book, which contains the deputation to Achilles; his first book, which recounts the dispute of the Grecian princes, and his second, which represents their several opinions, unfold every art of pleading, and every property of deliberation? Is there a man so insensible as to deny that Homer is perfect master of the passions, whether they are to be composed, or raised? To be more particular; has he not, I will not say observed, but invented, in a few lines at the beginning of his two poems, the rules we ought to observe in introducing our pleadings? He bespeaks the favour of his hearer, by invoking the goddesses, who patronise poetry. He awakens his attention, by the importance of the design he lays down, and engages it by the conciseness of his proposition. What narrative can be shorter than that of the death of Patroclus? What more expressive than the battle he describes between the Curetes and the Ætolians? As to similies, amplifications, examples, digressions. presumptions, arguments, with every art of refuting or establishing a proof, they are so numerous in him, that his authority has always been appealed to by such as have professedly written upon those subjects. With regard to the properties to be observed in the close of

a pleading, had we ever any thing that equals Priam's supplication to Achilles? And is he not more than human in his expressions, his sentiments, his figures, and in the general plan of his work? Upon the whole, it requires a great effort of genius, I will not say to rival, for that I think is impossible, but to comprehend, his excellencies. But this poet has, doubtless, left all others far behind him in every kind of composition, especially in heroic poetry; because his merits are there most conspicuous, when compared with others, who have attempted the same thing.

Hesiod seldom rises, and great part of his work is employed upon proper names; yet his precepts are mingled with useful sentiments. His expressions are harmonious, his style is far from being despicable, and he carries away the palm in the middling manner.

Of a different character is Antimachus,* for he has strength and weight; and his style is elevated far above a vulgar character. But, though grammarians agree to rank him next to Homer, he is lifeless, disagreeable, confused, and void of all art; so remarkable is the difference between following next to, and keeping near a great master!

Panyasis † is thought to be a compound of the two last poets I have mentioned; but that his style falls short of both, though his matter is more excellent than that of Hesiod, and his plan than that of Antimachus Apollonius is not mentioned in the

* This poet is very little known, he was born in Colophon, and is said to have been a slave to another poet. The emperor Adrian, however, who was himself a wit, was so extravagantly fond of his works, that he once thought of banishing Homer out of the schools, and of introducing Antimachus in his room.

† He too is very little known. It seems he was a Greek epic poet, and that he rather revived, than improved, poetry among his countrymen.

catalogue

catalogue of grammarians, because Aristarchus and Aristophanes, two critics in poetry, mention none of their cotemporaries (as Apollonius was) who were poets. He published, however, a work* far from being contemptible, and which is wrote in a smooth, middling style.

Both the subject and the manner of Aratus is lifeless; he introduces no variety, no sentiment, no character, and no speech. His abilities, however, are equal to the work he attempted.†

Theocritus is admirable in his way, but his muse is so truly rural and pastoral, that she cannot bear the sight of a town, far less of a court.

Behold, how the names of poets are crowded upon me by their admirers! What, says one, is the poem of Pisander,‡ upon the actions of Hercules, void of merit? Did Macer and Virgil, says another, see no beauties in Nicander, when they imitated him? None in Euphorion,§ says a third, whom Virgil did the honour (and who can distrust Virgil's judgment), to mention with approbation for his poetry in Chalcidian strains? Can you omit Tir-

* This probably was upon the Argonaut expedition. And our author's judgment is confirmed by that of Longinus, who commends it, in being as perfect a model of the middling manner, as the Iliad is of the sublime.

† The learned, especially the moderns, are a good deal divided as to this character of Aratus, given by our author. Cicero translated great part of his phænomena, if not the whole of it: and it must be owned that it is not void of many descriptive properties. The censure therefore passed upon it by our author, must be understood to regard those properties, that are not applicable to eloquence. There is, however, a great party of the learned, who have been pretty severe upon him for what he says in this paragraph.

‡ He was a Colophonian, and it is thought that from him Virgil took the hint of his Georgics.

§ He was library-keeper to Antiochus the Great; the passage here alluded to, is in Virgil's 10th pastoral, and put into the mouth of his friend Gallus, who it seems had translated this poet into Latin.

tæus,* without reflecting upon Horace, who praises him next to Homer himself? To all this I answer, that I believe, there is no man so ignorant, as not to be able, by the help of a catalogue of some library, to transcribe their names into his works. I am far from being insensible of the merits of those I pass over, and I am so far from slighting them, that I have already observed, there is none of them that may not be of service to an orator. But it is soon enough for him to read the inferior poets, when his taste is formed and he is compleated in eloquence; in the same manner, as, at grand entertainments, after we have filled ourselves with dainties, coarse meat pleases us, because it is a change of fare.

We then shall be at leisure to look into the elegiac poets, the chief of whom is Callimachus,† and Philetus is generally allowed to be the second. But while we are training ourselves to that settled habitude of eloquence, which I have recommended, we ought to apply only to the best authors. We must fix our judgments, we must acquire a taste, not by reading many authors, but by reading a great deal.

Therefore of the three iambic writers, approved of by Aristarchus, Archilochus is most for an orator's purpose; his style is powerful and penetrating, his sentiments strong, pointed, and brilliant. There is life and force diffused through all his works, and it has been said, that if he is inferior to any other poet, be he who he will, it is owing to his subject, and not his genius.

* He was a Lacedæmonian, and is famous for having inspired his countrymen with courage by his poetry. See Horace's Art of Poetry. L. 405.

† He was a Cyrenian, and was cotemporary with Ptolemy Philadelphus.

Of

Of the nine lyric poets, Pindar is, by far, the most eminent, through the sublimity of his genius, the force of his sentiments, the beauty of his figures, and by that happy profusion of images, and words, which impel his style with a torrent of eloquence, and made Horace pronounce him to be inimitable.

Even the choice which Stesichorus* has made of his subject, indicates a sublimity of genius, for he sings the most important wars, and the most illustrious generals, and makes his lyric numbers support all the majesty of epic poetry, by suiting the actions and words of his heroes to the dignity of their several characters. Had he known to observe a mean, he bade fair to succeed, if not rival, Homer in fame; but he is too redundant, too intemperate, too luxuriant; vices indeed, but owing to the richness of the genius.

Alcæus,† in some parts of his works, when he lashes tyrants, is justly complimented by Horace with a golden plectrum. He is likewise very moral in his sentiments; his style is concise, but sublime and polite, and greatly resembles that of Homer; but he is puerile in his loves and dalliances; and fat unequal to his true character, which is sublimity.

Simonides‡ is too enervate. But he has great merit from a certain propriety and smoothness of style. His characteristical excellence, however, lies in moving the passions, in which he succeeds so well, that some have ventured to prefer him to all authors, who have wrote in that way.

It is from the ancient comedy alone that we can taste the native graces of the attic style. There, we see ease united with eloquence, and though her

* He is sometimes called Terpsichorus.

† He was of Mytilene.

‡ He was a native of the Island of Coos, and cotemporary with Anacreon.

profest

profest purpose is to ridicule, or to lash, vice, yet she has many other powerful properties: for she is elevated, elegant, graceful, and except Homer (whom I must always except, as he excepts Achilles), there is no model more proper either to form, or to direct an orator. Various were the authors of the ancient comedy, but the chief were Aristophanes, Eupolis, and Cratinus.

Æschylus was the father of tragedy. He is sublime, weighty, and majestic, even to extravagance, in his expressions, but then he is generally rough and irregular. For this reason the Athenians permitted his dramatic pieces to be corrected by other poets, and brought upon the stage in their theatrical disputes, and by them, many poets gained the palm of preference.

But tragedy received much greater improvements and embellishment from Sophocles and Euripides. Their characteristics are indeed different, but their excellencies so equal, that it is disputed which ought to have the preference in poetry. Into this dispute, however, I shall not enter, because it is foreign to my present purpose. One thing seems to be unquestionable, that the study of Euripides is by far the most proper to assist an orator in his pleading. For his style approaches more near to the oratorial manner, and this is objected to him, by those who prefer the Majesty, the tread, and the pomp of Sophocles. Add to this, Euripides is more sentimental, in laying down philosophical rules, he equals philosophers themselves; and in propositions and answers he falls short of none that ever practised at the bar. He has a wonderful talent at moving all the passions, but is unrivaled, in touching the tender ones.

Though Menander cultivated a different branch of the drama, yet he owns that he both admired and

imitated Euripides; and Menander is an author, that if attentively studied, is of himself, in my opinion, sufficient to answer all the purposes I am recommending. So just is every picture he draws of life, so copious is his invention, so easy his elocution, and so well suited is his style to incidents, characters and passions! Some, I will not say with what justice, pretend, that Menander was author of those orations which pass under the name of Charisius. I cannot, however, help thinking if these are his, that he is less of an orator there, than he is in his own province of the drama, unless we deny his Epitrepontas, his Epicleros, and his Lochos to be good representations of what passes often in courts of justice, and unless his Psophodas, his Nomothetes, and his Hypobolimæus, are defective in any point of oratorial perfection.

Meanwhile, I think, the study of Menander's works may be of singular service to declaimers; because, in their declamations, they are obliged to assume the characters of fathers, sons, husbands, soldiers, clowns, rich men, beggars, rage, submission, gentleness and acrimony; the propriety of all which characters is wonderfully preserved by Menander. To conclude, his merit in the drama is so great, that his fame has swallowed up that of all other authors in the same way, and they are obscured with the beams of his lustre. The works of some other comic poets, if they are read with judgment, may be of some use to an orator, especially those of Philemon,* whom the bad taste of his age preferred to Menander; but he is universally, and justly, allowed to be next to him.

The Greeks have many good historians; but two that far excel the rest, and, who, by different man-

* He lived in the time of Alexander the Great.

ners,

ners, have attained to equal merit. Thucydides is pithy, concise, and spirited; Herodotus harmonious, free, and pure. The former is fitted to inspire violent passions; the other to breathe gentle sentiments; the former harangues, the latter converses; the former cammands by using compulsion, the latter, by giving delight.

Theopompus* is inferior indeed to the above two as an historian, but his work is better calculated for the use of an orator; for he long followed the practice of the bar, before he commenced historian. Philistus,† the imitator of Thucydides, deserves likewise to be distinguished from the crowd, even, of good historians. For though he has not so much strength, yet he has sometimes more perspicuity than his great master. Ephorus,‡ in the opinion of Isocrates, required a spur. Clitarchus§ is a fine writer, but an unfaithful historian. Timagenes‖ lived a long time after all these, and had the merit of restoring the manner and style of history, which had been long lost, to its ancient beauty. I have omitted, but not forgot, Xenophon; for I rank him with the philosophers.

Next succeeds a mighty band of orators; for Athens produced ten at the same time. Of them Demosthenes was by far the most excellent, and we may almost pronounce him to be the dictator of eloquence. So vast is his energy, so quick his force, so pithy his style, so significant, and so just is all he says, that, in him, we find nothing that is

* He was of Chios, and wrote the History of Greece.

† He was a Syracusian, and intimate with Dionysius the tyrant.

‡ He was a disciple of Isocrates.

§ He served under Alexander the Great, and wrote his history.

‖ He was a Milesian, and wrote the history of Heraclea.

wanting.

wanting, nothing that is redundant. Æschynes* is more full, more diffused, and, by being less regular, he appears more grand. But he has corpulence without strength. Hyperides is distinguished for smoothness and quickness. But he was most serviceable in petty causes, to which only, he, perhaps was equal.

Prior to them in point of time was Lysias, whose style is penetrating and elegant; and were an orator's business confined to the narrative, he could find no speaker more perfect than Lysias. There is in him nothing that is idle, nothing forced; but I compare his eloquence to a crystal stream, rather than to a mighty river. The manner of Isocrates was different. He is neat and trim, but, having more address than vigour, he becomes the lists better than the field, and he assiduously courts every beauty of diction; for he addresses himself to an audience, and not to a court. His invention is ready, he is always graceful, and his composition is exact, perhaps to a fault. Meanwhile, the properties of those great orators, which I have pointed out, are not the only properties they possess, but they are their characteristical ones; nor do I deny that some orators, whom I have not mentioned, had merits likewise. For instance, I am sensible that Demetrius Phalereus, though he is said to have been the first who weakened eloquence, had great command of genius and diction; and there is one circumstance for which he deserves to be remembered, that he was almost the last of all the Athenians, who could be called an orator. Cicero, however, gives him the preference to all others in the middling manner.

As to philosophers, some of whom Cicero says. have made acquisitions in eloquence, there can be

* He was at first a player, and became afterwards the rival and enemy of Demosthenes.

no

no manner of doubt, that Plato is the chief, whether we regard the force of his reasoning, or his divine, and what we may call his homerical, powers of eloquence. For his style rises far above that of prose, and of what the Greeks call, "creeping poetry;" nay, to me, he seems not to be endued with a human capacity, but inspired by the Delphian Oracle.

How can I do justice to Xenophon? To his beauties, that are so unstudied, and so unattainable by art, that the graces themselves seem to have formed his diction? And the character which the old comedy gave to Pericles, is justly applicable to him, "That the goddess of persuasion dwelt upon his lips." How can I characterize the elegance of the other followers of Socrates? What shall I say of Aristotle? To which of his numerous perfections am I to give the preference? To the depth of his knowledge? To the copiousness of his writings? To the charms of his eloquence? To the quickness of his invention, or the variety of his erudition? The name of Theophrastus* characterizes his eloquence, so divinely bright it is.

The ancient Stoics gave no great encouragement to eloquence. But in their reasonings about virtue, they shewed very great abilities, both in laying down their propositions, and in establishing their proofs. Their manner, however, was to employ the force of reasoning, rather than the pomp of language, which indeed they did not study.

I am now to view the Latin authors in the same manner as I did the Greek.

As Homer of the Greek, so Virgil happily stands at the head of Latin poetry. For of all epic poets, Greek or Latin, he undoubtedly approaches nearest to Homer. And here I will repeat a saying, which, when

* Θεος, God, and Φαζω, Ieak.

a young

a young man, I had from Afer Domitius: for when I asked him, "who was the greatest poet, next to Homer?" his answer was, Virgil, but he approaches nearer to Homer, than any other poet does to Virgil. But I will venture to say, that though we yield to the immortal, the divine, essence of Homer, yet Virgil is more regular, and more perfect, which is owing to his being more upon his guard; and though the Roman is excelled in the striking qualities of genius, yet, upon the whole, he is perhaps equal, on account of his judgment and correctnes of composition.*

Now follows a long interval; for though by all means we ought to read Macer† and Lucretius, yet they do nothing towards meliorating our diction; I mean that storehouse of eloquence which I require to be furnished. Both of them treated their subjects elegantly, but Macer is too creeping, and Lucretius too crabbed.‡ Attacinus Varro§ was no more than a translator of the works that got him the greatest credit; and, in this respect, his merit is far

* A great many moderns may think Quinctilian too partial to Homer in this comparison, and Scaliger has endeavoured to prove that Virgil was superior to Homer in all parts of poetry. But this is stretching a great deal too much for his admired poet. Upon the whole therefore, our author's judgment is very candid and well founded, which is, that Homer was the greater genius, but Virgil the better poet.

† He was a poet of Verona, and writ concerning herbs, and the Trojan war.

‡ Orig. Difficilis. This is certainly our author's meaning. Though some critics think that the word difficilis includes sublimity likewise, but Quinctilian never would have brought that as a charge against him. We are to observe, however, that our author's criticisms regard the general complexions or characters of the several poets he mentions, otherwise, he would have taken notice that there are some lines in Lucretius, which equal the beauty and harmony of any thing in Virgil.

§ He was cotemporary with Ovid, and translated the Argonauts of Apollonius Rhodius.

from

from being despicable; but his style is too poor to better that of an orator. Ennius strikes us with a veneration, like what we feel in beholding the awful gloom of an antient grove, where the mighty and aged oaks inspire us, not so much with delight as devotion. The other poets, who are most proper for assisting us in the style I have been recommending, are more modern. Ovid, in his heroic verse, is too luxuriant, and is too fond of his own conceits, but, in some passages, he is beautiful. As to Cornelius Severus, he is, indeed, rather a pretty versifier, than a good poet; yet, had he executed the whole of the Sicilian war upon the model of his first book, he would have challenged the second place.* Varennus† was taken away by death before he came to perfection; but his compositions, when but a boy, discovered great genius, and a wonderfully fine taste, especially in so young a person. We lately lost a great treasure in Valerius Flaccus.‡ The genius of Saleius Bassus§ was strong and poetical, though it was not matured by years. If an orator has any leisure time upon his hands, he may read Rabirius‖.

* He was cotemporary with Seneca, and, I believe, with our author likewise. I own it is a little obscure, whether the second place here mentioned, is to be referred to Virgil or to Ovid.

† Orig. Varenum, though the common editions read, sed cum, meaning Cornelius Severus; but I am of opinion with Burman, in his note upon this passage, that this character belongs to another; and as we meet with the name Varenus in many copies, we may suppose he was some young gentleman, who died before he could be much known in the world. I am more inclined to believe this, because the character seems somewhat incompatible with what is before said of Cornelius Severus.

‡ He too wrote the Argonauts in imitation of Apollonius Rhodius.

§ This perhaps was a relation of the poet, to whom Persius addresses one of his satyrs.

‖ They were cotemporary with Ovid.

and Pedo. Lucan * is glowing, spirited, and highly sentimental. Were I to express my own opinion, I would rank him among the orators, rather than the poets.

I have hitherto forborn to name our august emperor amongst our poets. His application to the government of the world has diverted his application to the study of verses, as if the gods had thought that it was paying him but a small compliment to place him at the head of poetry. But in the works he was composing in his youth, when he was called to empire, he never has been exceeded in sublimity, art, and harmony of every kind. Who is better fitted to sing wars with spirit, than the hero, who carries them on with success? Or who is better entitled to the favour of the muses? To whom will Minerva more willingly unlock her stores, than to this her favourite? But posterity will do greater justice to his abilities in poetry, which is at present lost in the dazzling radiance of his other virtues. Suffer us, however, great sir, who cultivate the sacred mysteries of learning, not to pass over in silence this gift which heaven has bestowed on you, and, with Virgil, to witness That

> Amidst thy conquering bays, the ivy creeps.†

In

* I shall here just observe, that this character of Lucan does great honour not only to our author's judgment but his virtue, since he dared to comment Lucan under Domitian, and this seems to confirm a suspicion I formerly hinted at.

† It must be acknowledged that the compliments here paid to Domitian are fulsome enough. But I cannot think they reflect any dishonour upon our author, when we consider his circumstances. I will engage to point out from the works of some of the greatest and most learned men, as well as of the best poets, of England, compliments to the abilities not only of princes, but of noblemen, statesmen, nay, private gentlemen, who in this respect deserved

In elegiac poetry, too, we rival the Greeks; and in this Tibullus appears to me to write with the most propriety and elegance. Some prefer Propertius. Ovid is more incorrect, and Gallus more harsh than either.

The province of satyr is wholly our's; and here Lucilius stands in the foremost rank, distinguished over all; so that his admirers venture to prefer him, not only to all poets of the same kind, but to all poets whatever. But I differ from them as well as from Horace, who thought the style of Lucilius was muddy, and his sense redundant;* for he had great erudition, with a wonderful deal of freedom, humour, and wit, of the severest kind. Horace, it is true, is by far more chaste and correct, and excels in marking the characters of mankind, † if I am not too

deserved them as little as Domitian did; who is represented by Suetonius (no great favourer of him) to have been a man of some wit and humour. Meanwhile, if our author's compliment is misapplied, it must be allowed to be finely turned.

* Orig. Et esse aliquid quod tollere possis. The French commentators and translators (Dacier particularly) upon Horace (in which they are followed by the Abbé Gedoyn), think this is a compliment to Lucilius. But if it is, it is not only against the genius of the language, but an express contradiction to the sentiments of Horace himself in other places. Meanwhile we have very little remaining of Lucilius to justify the high idea, which we are apt to form of him from our author's testimony, in opposition to Horace. Both were great judges; but I am apt to think Quinctilian was the most impartial. It is however very remarkable, that in his days, the public was so much divided with regard to the merit of Lucilius, that they often came to blows; and Quinctilian himself is said to have sometimes carried a cudgel under his robe, to vindicate the honour of his favourite poet.

† This character of Horace as a satyrist, is by far too scanty, and our author's prejudices seem to have lain on the other side of what he professes. Here I cannot help mentioning a parallel case in England. In the reigns of Charles II. and King William, the wits treated the compositions of the great Mr. Dryden in the same manner as Horace treated Lucilius. The witty earl of Rochester particularly applied to Dryden, but with more happiness than

too much prejudiced in his favour. Persius has acquired a great and just character, though his satyrs lye in a small compass. We have living satyrists likewise, whom posterity will mention with applause. *

There is another and an older kind of satyr, which Terentius Varro, the most learned of the Romans, distinguished by a variety† of verse. He was the author of many learned books; he was a thorough critic in the Latin language, and understood antiquity both Greek and Roman, to great perfection. He is, however, better calculated to render us learned than eloquent.

We have amongst us no professed iambic poets; that manner being only casually adopted by Catullus Bibaculus and Horace, to render their works more biting. The last named poet makes use of the epode, or short verse, likewise.

Of the lyric poets, Horace is the only one that is worthy to be read; he is sometimes ‡ sublime, but

than justice, the very words of Horace concerning Lucilius, and imitated with that view the whole of his epistle beginning,

Nempe incomposito dixi pede currere versus
Lucili.—

The whole of the imitation discovers both want of judgment and taste, both with regard to Mr. Dryden, and the characters of almost all the peer's poetical cotemporaries; yet I am not sure whether the wit and happiness of the imitation does not affect, at this day, some judges with false prepossessions. But we have seen the same thing happen to Dryden as happened to Lucilius, and pretty much within the same number of years; for his character, as a poet, is now patronized by the greatest judges of writing. Our author, however, notwithstanding his great opinion of Lucilius, ought to have done more justice to Horace.

* Meaning, some say, Juvenal, but I am, with Dodwell, of opinion, that he did not.

† Meaning the Menippean satyr.

‡ I cannot agree with those critics who think the word sometimes, here, derogatory to the merits of Horace: since it is very certain that it is only sometimes that he affects sublimity in his odes.

always

always agreeable and graceful, and a happy boldness renders him inimitable both in his figures and expressions. Were I to mention any Lyric poet after Horace, it would be our late friend Cæsius Bassus, but he is far excelled by some who are now alive.

Accius and Pacuvius were two writers of tragedies deservedly famous for the weight of their sentiments, the significancy of their expressions, and the dignity of their characters. That their works wanted brilliancy, that they are not polished in the highest taste, is not so much their fault, as that of the age they lived in. Accius, however, is allowed to have the most strength. But they who set up for critics, think that Pacuvius has more art. The Thyestes of Varius * rivals all the tragedies of the Greeks; and the Medea of Ovid † is a proof to me what an excellent poet he might have been, if instead of indulging, he had cultivated, his genius. Of my cotemporaries, Pomponius Secundus ‡ is by far the best tragic poet; though some of our old critics think his plays not sufficiently tragical, yet they own them to be correct and beautiful.

In comedy we must own ourselves at a loss; though Varro agrees with Ælius Stilo, in saying, "that were the muses to speak in Latin, they would "speak in the style of Plautus;" § though the ancients greatly extol Cæcilius and the comedies of

* He was cotemporary with Virgil.

† This tragedy is said to have been extant, since the invention of printing.

‡ He was the friend of Pliny, who wrote his life; he had so much spirit and eloquence, that he was called the Pindar of tragedy.

§ Muretus and Burman say that if the muses were to speak like Plautus, they would speak like so many whores and common wenches, but this jest is as unjust as it is coarse; for there are abundance of passages in Plautus, that justify what is here said of him, which can only be understood of his Latin style, and that must be owned to be excellent considering the age he lived in.

Terence

Terence have been ascribed to Scipio Africanus; both those poets, though elegant in their way, would have been more so, had their verse run into Trimeters *. But we have not even the shadow of the Greek excellency in comedy. And so unsusceptible does the Latin language appear to me of those charms, that are peculiar to the attic style, that the Greeks themselves lose them when they speak in any other idiom than that of Athens. Afranis is the best writer of that comedy which is purely Latin. I wish he had not given such a loose to his natural immorality, by polluting his drama with monstrous obscenities.

In history writing, however, we are not inferior to the Greeks, and I am not afraid to match Sallust with Thucydides; nor would Herodotus, were he alive, disdain to be compared with Livy; so wonderfully agreeable, so beautifully perpicuous, are his narratives, and so inexpressively eloquent are his harangues. Whatever he says, is exactly suited both to things and characters, and I speak too modestly of him when I say, that no historian has more artfully managed the passions, especially the gentle ones. Such are the qualities, though of different kinds, by which he has equalled the glory of Sallust's divine conciseness. For, I think, Servilius Novianus observed very properly, that they rather were equal to, than like one another. He too was an historian, and I knew him to be a man of fine genius, quick in his sentiments, but his style too loose for the dignity of history. Bassus Aufidius, who lived a little before him, had talents every way equal to history

* I cannot account for this niggardly praise bestowed by our author upon the chastest and most decent of all poets, Terence, but by supposing that he thought his chief merits were comprehended in Menander. Yet this could not have escaped Cicero, who thinks him a pattern of style for an orator.

writing, as appears by his History of the German War; but though he seems to have had a very fine taste, he sometimes falls below himself.

One historian is now alive, who is illustrating the glory of the present age; a man who will be mentioned with reverence to all posterity; but whom I am not now at liberty to name. He has his admirers, he has his imitators, but he must be cautious how he expresses himself* with that freedom, that alone can do justice to his subject. He expresses, however, enough to shew, that his genius is elevated, and his sentiments manly. We have other excellent historians. But we are now not reviewing libraries, but touching upon characters.

But it is in eloquence chiefly that the Romans have equalled the Greeks, and I can confidently match Cicero with them all. I am sensible that I shall draw upon my hands a controversy, which is far from being my present intention, by comparing him with Demosthenes. Nor will it avail me if I say, that Demosthenes is not only worthy to be read, but even to be got by heart.

Many excellencies are in common to both authors, such as sagacity, order, their method of dividing, preparing, proving, and, in short, every

* I have, in translating this paragraph, deviated from the opinion of all commentators and translators; some thinking the historian mentioned here is Tacitus, and some Pliny. But when I attentively consider the scope of the passage, and that the true reading is confessedly irrecoverable, I must be of opinion, that Quinctilian here means some historian, who was writing the history of Domitian (for so I understand the words exornat ætatis nostræ gloriam), whom he represents as too modest to suffer himself to be praised, however justly. This, I think, is the only sense in which our author can be understood; for we never can suppose him, with his commentators, to have said that under Domitian's reign, a man durst not speak the truth without suffering for it.

thing

thing belonging to invention. * In their elocution there is some difference. "Demosthenes is more compacted, Cicero more copious; the one hems you close in; the other fights at weapon's length; the one studies still as it were, to pierce by keenness; the other, often, to keenness, adds weight. In the one there is nothing that can be curtailed, in the other, nothing that can be added; the one owes more to application, the other to genius.

"But in the witty and pathetic, which so strongly sway the affections, the Roman excels. The laws of his country might perhaps, prevent Demosthenes from touching upon the pathetic in his pleadings. But the genius of our language does not admit of the beauties, which the Athenians chiefly admired. For both of them have left behind them specimens in the epistolary way, yet those of Demosthenes can stand in no competition with those of Cicero.

"But Cicero must in one thing yield to Demosthenes, who lived before him, and formed great part of the Roman's excellency: for to me it appears, that Cicero, applying himself entirely to the imitation of the Greeks, united in his manner, the force of Demosthenes, the copiousness of Plato, and the sweetness of Isocrates: not only did he extract what was excellent in each of these, but, by the divine pregnancy of his own immortal genius, he found the means to produce out of himself, most, or rather all their characteristical beauties: for, to use an expression of Pindar, he does not fertilize his genius, by making a collection of the water that falls in rain from the clouds; but, formed by the kind indulgence of providence, he pours along in a resistless flood, that eloquence may make an experiment of all her powers in his person.

* See Preface to Cicero's Orations, vol. 1.

"For,

"For, who can teach more instructively, who can move more strongly? Did ever man possess such sweetness, as to make you believe that you resign with willingness what he rests by force? And though the judge is borne down by his power, yet he feels not that he is forced along, but that he follows with pleasure. Nay, such is the commanding character of all he says, that you are ashamed to differ from his sentiments: he is not distinguished by the zeal of a council, but brings the conviction of whatever a witness or a judge can say. Yet, in the mean time, all these excellencies, which in others are the laborious acquisitions of intense application, appear in him the easy flow of nature; and his eloquence, though exquisitely and beautifully finished, appears but to be the happy turn of genius.

"It was, therefore, not without reason, that by his cotemporaries he was said to be the sovereign of the bar; but, with posterity, his reputation arose so high, that the name of Cicero appears not now to be the name of a man, but of eloquence herself: let us therefore keep him in our eye; let him be our model; and let the man, who has a strong passion for Cicero, know, that he has made a progress in study."

In Asinius* Pollio, I find great invention, and very high finishing, nay, some think, in the last respect he is apt to over-do. He has likewise abundance of regularity and spirit, but falls so far short of Cicero in brilliancy and smoothness, that he seems to have wrote in the preceding age. Messala,† however, is polished, bright and easy; his manner of speaking discovers his noble blood, but it has not all the force we desire in an orator.

* He lived under Augustus Cæsar.

† He was cotemporary with the former.

As

As to Caius Julius Cæsar,* had he attended olly to the business of the bar, he was the only man who could have come into competition with cero. Such is his force, his quickness, and exer-n, that he seems to speak with as much spirit as fought; and all his properties are embellished, an elegance of diction, of which he was pecu-rly careful.

Cælius† discovers vast genius, and observes a pe-liar politeness when he urges an impeachment: y it was that his heart was so corrupted, and his ys so few! Some prefer Calvus‡ to all our Ora-s; and I know some who agree with Cicero in nking it was so hard for him to please himself, t he thereby lost a great deal of his force. We st allow, however, that his style is weighty, ste, correct, and often spirited likewise. But we to observe that he was a professed imitator of the c manner, and his untimely death did injustice his reputation, as an orator; because it prevented a from adding to (for he had nothing to retrench n) the spirit of his eloquence. I must not for-that Servius Sulpicius deservedly got vast repu-on, by three orations he spoke and published.

Cassius Severus,§ if judiciously read, contains ny things worthy of imitation, and he might llenge a foremost rank in eloquence, had he led to his other properties, beauty and modesty style. For his abilities are very great, his polite-s and asperity are equally wonderful, and his

* The fine character given by our author of this great man, is firmed by all writers, as well as by Cæsar's own works.

† He was the same whom Cicero defended against Clodia's secution.

‡ He is often mentioned by Cicero, as is Servius Sulpitius, who es next.

§ He is mentioned by Seneca, and probably is the same, who shed by Horace for his cowardice and barking.

strength

strength is irresistible; but his resentments get t better of his judgment; add to this, his severity overcharged, often to a degree of ridicule.

It would be tedious, should I attempt to descr many other learned orators we have had. Of th I have seen, Domitius Afer* and Julius Africa were by far the most eminent. The style of former was so correct, and his manner so beauti that he deserves to be ranked amongst the ancie The latter had great spirit, but he was too loose incorrect in his expressions, his composition so times was too long, and his metaphors too strain These were succeeded by some fine speakers. T chalus† is generally elevated, yet intelligible; and bad fair to arrive at perfection; but he appeared the greatest advantage, when he was heard: never did I know a man possess such happy sw ness of voice; though it was loud enough to fi theatre, while, at the same time, his action graceful; in short, he was void of no external complishment.

Vibius Crispus‡ was regular, agreeable, and turally winning; but his talents were better suite private, than to public, causes. Had Julius§ Sec dus enjoyed longer life, he must have left beh him a great character, as a speaker. For he wo have persevered till he had succeeded in supply all his defects; I mean he would have acqui more keenness in altercating, and have been intent upon words, and more upon things. though he was hastily snatched away, yet merits are very eminent. He had vast command

* These two orators lived under Nero.

† His voice was so strong as to be heard through four diffe courts.

‡ He is mentioned in cap. 13. l. 5. and by Seneca.

§ It is thought that he lived till the time of Adrian.

expressi

xpression, a wonderful gracefulness in his narra-ives and arguments; his manner of speaking was atural, easy, and beautiful; the expressions he tudied were proper, those he hazarded were happy, nd all of them significant.

They who shall treat of this subject after me, will ave great room for bestowing encomiums upon the peakers that are now at the bar; for many men of reat abilities in eloquence now grace the forum. ome advocates at the top of their profession rival he ancients, and are imitated by many young gentle-nen, who follow them in the paths of perfection.

I am next to touch upon our philosophical writers; ut, of these, very few in Rome have been distin-uished by eloquence. But here our Cicero, as he oes through all his works, presents himself as the ival of Plato. The philosophical compositions of Brutus * far excel his oratorial; he is equal to the ubject he handles, and he makes you sensible, that e is sincere in what he says. Cornelius Celcus has rrote a good deal upon the sceptic plan; nor are is writings void either of elegance, or brightness, he works of Plancus will instruct us in the stoical ystem; with regard to the Epicureans, Catius is a light, but not displeasing, writer.

I have purposely, hitherto, avoided the mention f Seneca, who is highly distinguished in every pro-ince of eloquence; because, I know, there is a ulgar prejudice prevails, that I am not only an ene-y to his works, but to his person. This mistake ook rise, while I was endeavouring to revive the ue taste of eloquence, by recalling her to a critical tandard, after she had been debauched and ener-ated by every species of corruption. At that time

* Cicero gives him the same character; we know little of the ther philosophers here mentioned.

Seneca was almost the only author read by young gentlemen; but it is false that I absolutely condemned the reading of him. No, I was only against his being preferred to authors of greater merit, whom he had vilified; because, being conscious, that his manner was different from theirs, he knew he never could succeed with those, who were pleased with the writers he had abused. * They loved him, however, more than they imitated him; and they were as inferior to him, as he was inferior to the ancients. Many times I have wished they had been equal, they had approached near, to Seneca. But they were pleased only with his blemishes; in these, he was aped to the best of their power, and when any one could swagger in Seneca's manner, he instantly set up for a Seneca. This was insulting the name of a man, who had many and great abilities; his imagination was easy and copious; his application great, and his knowledge extensive; though sometimes he was imposed upon by some whom he employed in certain researches. His study comprehended almost the whole circle of arts and sciences; for pleadings, poems, letters, and dialogues of his are now extant.

As a philosophical writer he is incorrect; but a bitter professed enemy to vice. His sentiments are generally noble and striking, and many of his wri-

* He is said to have condemned both Cicero and Virgil, which sufficiently justifies our author in what he here says of him. For my own part I know not which to admire most, the taste, the style, or the candour of Quinctilian, in the characters he describes throughout this chapter. But above all in this of Seneca, which I look upon to be a standard in this manner of writing. It is true Seneca has still, in this age and country, his admirers. For those prettinesses which are found in him, will always find admirers: but all men of true critical taste must appear on our author's side, who discovered as much spirit as he did judgment in attacking this formidable, because favourite, author.

tings

tings calculated to mend the morals of mankind. But his eloquence, in general, is corrupted, and is the more dangerous, because it is full of enchanting blemishes. Happy had it been for eloquence, had he trusted to himself for his matter, and consulted others for his manner. Had he shewn for some things, contempt; in others moderation; had he been less fond of whatever was his own; had he not minced down the most solid arguments and subjects, into short points and smart sentences, his fame must have been established by the veneration of the learned, rather than in the affections of boys. I, however, recommend him to the perusal of those whose taste is formed, and who are fully masters of critical learning, were it for no other reason, than that he will give sufficient employment to both.

For, as I have already observed, he has in him many things that command our approbation, nay, our admiration. All the reader has to do, is to apply that judgment, which I wish, he himself had not wanted. Nature certainly meant him for great things. Nothing was without the compass of his genius, his failure therefore in the execution is the more to be regretted.

CHAP. III.

CONCERNING IMITATION.

Such are the authors I recommend to be read not only to improve my young orator in copiousness of style, variety of figures, and manner of composing, but in every power of eloquence. For there can be no doubt that great part of this art consists in imitation. It is true, invention is the first and principle part, but at the same time he will find great service

service in closely imitating, what has been happily invented. The great scheme of virtuous life turns upon our practising ourselves, those virtues we observe in others. Thus boys, in learning to write, follow the traces of letters, that are marked out to them. The musician follows the notes of his teacher. The painter, the strokes of his original; and the farmer that method of culture, which experience has found to be most successful. In short, we may observe that apprentices, in every art, form themselves upon certain models placed before their eyes. And in my opinion, there is no avoiding our resembling, or not resembling what is good; yet that resemblance is seldom furnished by nature, but often by imitation

But we shall be hurt by the very circumstance of our being furnished with more ready means to conceive what we study, than those were, who had no object of imitation; unless we follow it with caution and judgment. For I must premise, that mere imitation has an ignoble end, for it does no more than discover an indolence of genius, which can rest satisfied with what has been invented by others. What should have become of those ages, which had no examples to imitate, if the men who lived in them had thought, they were neither to practise nor to study aught, but what they already knew? The consequence must have been, that nothing would have been invented. Shall we then be debarred from inventing that which was not known before? Let us reflect upon our uninformed ancestors, who merely by their natural parts, were authors, of so many useful inventions. And shall not we who know that they succeeded in their pursuits, be fired with the same spirit of enquiry? Could they hand down to posterity, without being taught by any master, many noble arts; and are not we to make use

of

of those arts for discovering others, without remaining satisfied to subsist on what has been acquired by our forefathers; like certain painters, who know no more of their art, than to copy a figure by the help of a line and compass.

It is even scandalous to rest satisfied with equalling what we have imitated. For let me again ask, what would be the consequence, should no man outdo the original he follows? Were that the case, we should have nothing in poetry more excellent than Livius Andronicus, nor in history better executed than the annals of our priests; we should still be sailing about in the hulks of trees, and all our painting would consist in marking out with chalk the outlines of the body, as they appear in the shadow by the light of the sun. Nay, if we review the history of all arts, we shall not find one now existing, as it was invented, or in its first state of infancy: unless perhaps we should brand our own times with this particular reproach, that in them nothing tends to perfection. For no art can improve merely by imitation.

To apply this observation to eloquence; how can we expect to see a finished orator, if he is debarred from improving upon those who went before him? For even amongst the greatest of them, there is not one, who is absolutely free from defects or blemishes. Even the orator, who does not aspire to perfection, ought to rival, when he copies after, his original. For while he strives to be foremost in the race, he may come in equal with the foremost, if he cannot pass him; but he never can equal him if he is contented to tread in his footsteps; for in such a case, he must always follow after. Let me add, that very often it is much easier to attain to excellency, than to a perfect resemblance. For it is so difficult to hit a similitude, that it surpasses even the powers of nature to produce two things so very like to each other,

as

as not to be distinguished by a narrow observer. Besides, a copy must always fall short of an original, for the same reason that the shadow is less expressive than the person; the portrait than the face; and the manner of an actor, than the feeling of the mind.

The same observation holds with regard to eloquence; for the originals we copy after have the truth and force of nature to support them; while on the other hand, all imitation is no other than fiction, and is directed by what another has designed. The true reason why declamations have less life and strength than pleadings, is, because the former deal in fictions, the latter in realities. Besides, the greatest perfections of an orator are not to be acquired by imitation; I mean, genius, invention, strength, ease, and whatever cannot be communicated by rules. Therefore many readers, by stripping certain pleadings of particular expressions, and by being able to chime in with the cadences of the orator they have read, imagine themselves immediately equal to their original; without considering that words drop, and recover, with times, and that even the most established forms of speaking depend upon custom; and that words in their own nature, are mere sounds, without being either good or bad, but as they are properly or improperly applied; and that all composition must be suited to its subject, and recommended by a graceful variety.

Therefore, this part of an orator's study requires to be examined with a searching and a critical eye. He is to be well founded in his judgment of the authors he is to imitate; for I have known many who have copied after the vilest and most erroneous originals. In the next place, we are to consider attentively what are the particulars most for our purpose in the authors we have fixed upon. For the greatest authors have their blemishes, which have afforded

matter of criticism among the learned. And I wish to heaven that young gentlemen were as much improved in eloquence by imitating the good, as they are debauched by following the bad.

But let not those, who have judgment enough to avoid blemishes, take up with superficial beauties; such as may be termed the scurf of eloquence, or rather those corpuscles of Epicurus, which are said to flow from the surfaces of bodies. Now, this often happens to those who, without thoroughly examining the properties of an original, are caught by the first appearances that strike them, and sit down to imitation. In such cases, the most happy imitation that is attained to, consists in a resemblance of phrases and cadences; and such imitators, far from rising to energy or invention, generally go retrogade, till they fall into those defects that border upon excellencies. They mistake swelling, for sublimity; narrowness for conciseness; temerity for manhood; licentiousness for freedom; stiffness for correctness; and negligence for simplicity. Upon the same principle, after dressing some cold unmeaning sentiment, in harsh and uncouth expressions, they immediately set up as rivals to the ancients, especially the Athenians, who they say were void of all ornament, and turns of wit. When they cut short a sentence without finishing it, and thereby leave it unintelligible, they excel Sallust and Thucydides. When dry and jejune, they rival Pollio; and if they can compass a period of tolerable length, though in a careless slovenly manner, they swear that Cicero spoke in that very way. I have known his esse videatur, placed at the end of a sentence, give some gentlemen a handle to plume themselves upon hitting off the very character of Cicero's divine eloquence.

Our student, therefore, in the first place ought to be made acquainted with the author he is to imitate,

and

and in the next, to be made sensible of his beauties. With regard to the execution, he is to consult his own strength. Some things are inimitable through the weakness, and others through the dissimilarity, of capacity. A delicate genius disagrees with whatever is only rough and violent. When a genius is strong, but uncultivated, by affecting to be refined, it both loses its strength, and comes short of that elegance which is its favourite pursuit; for nothing can be more ungraceful than a blustering attempt to be tender.

In my second book, however, I have recommended it to the master not to confine his lessons for each boy entirely to the particular cast of his genius. My reason is, that a master ought to do all in his power to promote the natural tendency of a boy's genius to what is right; to assist it, where it is defective; and to alter it where it is wrong. He is to consider himself as the director, and polisher, of his pupil's capacity. But, perhaps, it may not be so easy for him to subdue the bent of his own genius. Yet, though a master may be extremely zealous fully to instruct his scholars in whatever can contribute to their perfection in this art, he is not to toil against nature.

It is a general mistake (and we ought to shun it) to imitate poets and historians in oratorial compositions, and orators or declaimers in poetic or historical. Each manner has laws, properties, and beauties, peculiar to itself. Comedy does not stalk along in buskins, nor tragedy shuffle about in slippers. And yet certain properties are in common to all eloquence; and these we are to imitate. Another inconvenience usually attends those who are entirely captivated by one manner. For if they are charmed with the asperity and vigour of a writer, they cannot rid themselves of that manner, even while

while they are speaking in causes that require gentleness and moderation. If they are charmed with delicacy and simplicity, they carry those qualities into pleadings that require fire and acrimony, and where they can do little or no service. For causes are not only different from one another, but one part of the same pleading varies, in its manner, from another. One part may require to be delivered in gentle, another in rough, another in spirited, and another in easy, terms; one part is suited to inform, another to move, and all are effected by separate, and dissimilar, properties.

For this reason, I am against a student devoting himself implicitly to the imitation of any one author, through all parts of oratory. Demosthenes is, by far, the most excellent of Greek Authors; yet, in some particulars, he may have been out-done by others. Though he has the greatest beauties, and though he ought to be the chief, yet ought he not to be the sole, object of imitation. Well, it may be said, supposing one could speak like Cicero in all respects, would not that be sufficient? To me it would, could I acquire every character of his eloquence. But, will it hurt an orator, if, in some parts of his pleading, he adopts the strength of Cæsar, the keenness of Cælius, the neatness of Pollio, and the judgment of Calvus? For, a man of sense will endeavour to appropriate to himself whatever is most excellent in every one. But if, in a study so difficult as this is, he shall propose only to himself a single model, he will find it difficult to succeed in any one excellency. As it is therefore almost impossible for any man to resemble, in every respect, the pattern he chuses, let him consult many good ones, that he may make some acquirement from each, and then let him dispose of what he so acquires to the best advantage.

I must

I must again and again repeat it, our imitation ought not to be confined to words. We must figure in our minds, how gracefully those great men treated things and characters, with what address, with what art! how they knew to serve their cause, by that manner which seemed calculated only to delight! to suit the introduction to their purpose! to conduct and diversify their narrative! to enforce both their proofs and refutations! With what skill did they touch upon every passion of the soul! and how well they knew how to profit even by popular applause, which is always most beautiful, when it is least courted! When we shall make ourselves masters of all this, we shall then be masters of imitation. But the man who, to these properties, shall add a large stock of his own, who knows how to supply every deficiency, and to retrench every redundancy; such a man is the complete orator, I am now endeavouring to form. Modern times afford many opportunites of perfection in this art, by the numerous models of complete eloquence, which we now have, and which were unknown, even to the best orators who lived before us; and whose glory it is, that, after outdoing all before them, they have left their works as models for posterity.

CHAP. IV.

CONCERNING WRITING.—ITS UTILILY AND PRACTICE.

Thus far I have treated concerning the foreign assistances of this study. But we have within ourselves resources, which we ought to employ; and, of these, writing, though a laborious, is the most profitable, exercise; for Cicero, very properly, calls the pen, "the best, the most excellent former of

f the tongue." This sentiment comes from the nouth of Lucius Crassus, in the conferences con- erning an orator. But Cicero has strengthened t with his own opinion. We are, therefore, to give o writing all the application, and all the time, we an spare. For, as the earth, the deeper you dig t, is the better fitted to receive and cherish the eeds committed to its bosom; in like manner, a nind, that is not superficially cultivated, is the most beral of the fruits of study, and the most faithful n retaining them. For, without a thorough prac- ice, and a conscientious discharge of our duty, ven the ease of speaking extempore becomes no nore than empty loquacity, and random words. In riting, the roots and foundations of learning are id. There, as in a sacred treasury, her riches are eposited, to be applied upon any sudden emer- ency, as occasion shall offer. Above all things, t us muster up such strength as is sufficient to en- ounter difficulties, and such as is not to be exhausted y use. Nature herself never meant that any thing reat should be quickly produced; and she has an- exed difficulties to every beautiful composition. ven amongst the brutes, she has established a ge- erative law; for we see that the largest animals lie ngest in the bellies of their dams.

But here a double question arises, in what man- er, and what you are to write. I shall speak of oth in order. In the first place, let us write slow, ut exact; let us look out for the best subjects, ithout taking up with what first offer. Let judg- ent aid invention, and disposition correctness. Let s review both things and words, and examine the nport of each. Let us next apply ourselves to ar- nging them. Let us place and displace them gain, till we find out the arrangement that is most harmonious,

harmonious, without suffering them to stand, just as they first come into our heads.

To succeed the better in this, we are often to consult what we have last written. This will lead us not only to connect what we write with the greater propriety, but give a new spring to our imagination, which is apt to cool while we are are writing, but recovers new force by retreating back. Thus, in contests at leaping, the man who performs the best, retreats the farthest back, and throws himself out with the greatest swiftness into his leap. The stronger we toss the javelin, the wider is the sway we give it with our arm. And the farther we send the arrow, the more tightly the bow-string is drawn.

Should a favourable gale, however, spring up, let us spread our sails before it, provided this indulgence does not lead us into error. For we are pleased always with our last thought, otherwise we would not commit it to writing. But we ought to review it critically, and retouch wherever we suspect that ease has deceived us into looseness. This, we are told, is the manner in which Sallust wrote, and indeed the pains he took, appear in his compositions. Virgil * too, as we are informed by Varus, composed but very few lines in a day.

But this is not the case with an orator. Therefore I recommend this carefulness, this slowness, when he sets out upon his studies. For his first aim, his first purpose ought to be, to write as well as

* He used to say that he produced his lines as a bear does her cubs, shapeless and unformed, till she licks them into form. This is the true reason of that vast inequality that appears in his writings, if the Cyris and Culex are his (as they are generally allowed to be) and why he was so jealous of certain lines in his Æneid, which he had not touched up, that, upon his death-bed, he earnestly requested his friends to burn the whole poem.

possible

possible; as to quickness, it will come by habit. Matter will every day offer itself more readily than it did the last. Words will flow in upon him, and composition become easy. In short, as amongst well-regulated servants, each will do its own business. Upon the whole, by writing quick, you cannot come to write well; but by writing well, you will come to write quick. But when we have attained to a habit of being quick, we are chiefly then to be upon our guard, and to take care to curb our imagination, as we would do a skittish horse; and this caution, so far from damping it, will enliven it.

I have known some highly to blame in never being contented, but always fretting and teazing themselves in changing and altering what they write, even after practising for some time. Now, how can a man go through the business of life, if he grows grey-headed in altering and turning every single period of a pleading? Some people never know when they have done enough, but are always for changing and varying their first composition. This is being incredulous and distrustful of their own abilities, even to a degree of infatuation, for they think that correctness consists in raising difficulties to themselves. To speak truth, it is hard to say who are most to blame, they who are pleased with every thing, or they who are pleased with nothing, they write. With regard to the last extreme, it often induces young men of genius to waste their whole time in amendments, and their too great anxiety to speak well, sometimes shuts up their lips for ever.

This puts me in mind of what I was told by Julius Secundus, who was my cotemporary, and, as all the world knows, my particular friend, a man of wonderful talents in speaking, but scrupulously exact. His uncle was Julius Florus, who was at the

head

head of eloquence in Gaul, where he practised at the bar; though indeed he must have made a figure any where; and was every way worthy of such a kinsman: this uncle, I say, while Secundus was attending the schools of eloquence, one day met him in a very pensive mood, and asked him, why he looked so serious? Secundus, (as he told me himself) frankly owned, that he had not for two days been able to compose an introduction to a declamation, the subject of which had been set him three days ago; and that his inability not only gave him pain for the present, but made him despair of ever succeeding as a speaker. What, replies his uncle with a smile, do you intend, child, to speak better than you can? This is the whole of the matter. We ought to aim at speaking to perfection; and, for all that, we must speak as we can. In order to profit in our studies, we must not fret, but apply.

But, that we may attain to quickness and ease in writing, we must not only practise it often, (though in that there is doubtless a great deal,) but we ought to go about it methodically; I mean, we ought not to be indolent, to be always gazing at the roof of the room, and muttering to ourselves, as if that would assist our invention, or waiting supinely till something shall present itself. No; we are to be intent upon the nature of our subject, upon what is most suitable to characters, to the occasion, and the disposition of the judge; and then we are to set about writing as well as we can, without troubling ourselves farther. If we observe this rule, nature and good sense will guide us both in the beginning and progress of our composition. Most things we ought to say are fixed and determined; and we must see them, unless we wilfully shut our eyes. Even the most illiterate, the most uninstructed, of mankind, are seldom at a loss how to enter upon a subject,

ject, and shall learning render it difficult? That would be shameful indeed. Let us not therefore suppose that every thing that is most hid is most excellent; and that we ought to be silent, if we can invent nothing that is proper to be delivered.

But there is an opposite extreme. For the method of some is to begin and continue their matter with a rapid pen, that scrawls it quickly over, to write warmly and precipitately, and without interruption, and all this they call making out a rough * draught. They then set about reviewing and correcting what they have thus sketched, but they retouch only words and periods; their materials, which are hastily huddled together, remain without strength or significancy. The right way therefore is to apply care at first, and conduct your work in such a manner, as to be always polishing and chasing it, without being obliged to carry it back to the foundery. Sometimes, however, we are to give way to the impulse of imagination; for there, heat generally does more than study.†

My condemning this over-hastiness in writing, sufficiently discovers my sentiments with regard to dictating, without writing at all. For when we write, however hasty we may be, yet still we must have some time to study, because our thought is quicker than our pen. But the person who takes down what

* Orig. Sylva.

† Though what our author has laid down in this paragraph is very plausible, yet perhaps it is the most questionable part of his work, and admits of great opposition. Writing is what every student ought to practise, and, I believe, does; but, in argumentative subjects, perhaps his best way is to perform a rough draught of the whole of what he intends to say. For why may he not review and meliorate things as well as words? I own, I cannot help thinking, that there is a littleness in the method recommended by Quinctilian, that must be very disagreeable to a young gentleman of great genius.

we dictate, is always close at our heels, and sometimes we are ashamed to seem to doubt, to pause, or to alter any thing, for fear he should have a slender opinion of our abilities. Thus, while all our ambition is to proceed without stopping, a great deal, not only of rude, but random, nay, impertinent matter, escapes us, and is as far from the fire of an unstudied pleading, as from the correctness of written composition. But should he who takes down what is thus dictated, be too slow * in writing, or if, when he reads what he writes, it should be found that he has been negligent, nay, has hurt it in taking it down, then the career of the person who dictates is immediately stopped; and this stop (sometimes anger at what has happened) immediately cancels all the fine ideas he had formed. Add to this, that those demonstrations which mark what passes in the mind, and indeed assist the imagination, such as the toss of the hand, the sternness of the look, the twist of the body, nay, scolding sometimes, with all the characters which Persius observes are wanting in a thin, slight style, when the author never strikes his desk, nor bites his nails; † all these emotions, I say, are ridiculous, unless we are by ourselves But the most powerful argument of all against this practice is, that there can be no manner of doubt that a remote place, where nobody is by, (which cannot be the case when you dictate) and the most profound silence, is most proper for those who compose.

We are not, however, to imagine with some, that woods and forests are the most proper for this purpose, because their free air and fine prospects elevate

* The reader will perceive from what our author says here, that he speaks of those professors of rhetoric, who dictated in public, without premeditation, what their scholars took down, and suffered it to be published.

† Nec pluteum cædit, nec demœsos sapit ungues.

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the mind, and fertilize the imagination. For my own part, I think such retreats are more agreeable than they are improving. For the very pleasure they give us, necessarily takes our mind off from the purpose we are pursuing. For it is impossible for the mind to perform several functions equally well at the same time. And every time the thought is diverted, it is called off from the object of its study. Therefore the blooming woods, the purling streams, the breeze that whispers through the grove, and the bird that charms with its note, nay, the delightful extended prospect; all, I say, divert us from what we are about, and, in my opinion, rather unbend than brace our mental faculties. Demosthenes judged better; for he retired to a place where no voice could be heard, no object could be seen, that could divert his mind from its business. Therefore the silent night, the bolted closet, and the solitary taper, are the most proper for fixing meditation, as it were, upon its object.

But health, and temperance which is the parent of health, is of the utmost service in every, especially this, method of study, when we employ the time that nature has allotted to us for our rest and refreshment to the most fatiguing toils. We are therefore to bestow upon study no more time than we can safely spare from sleeping. For all fatigue is an enemy to the elegance of composition, and we shall have day light enough, if we can employ it well; nor shall we need to study till midnight, but upon extraordinary occasions. Meanwhile, the best retreat we can find is in study, as often as we can apply to it in full vigour of mind and body.

Silence, retirement, and a perfect tranquillity of mind, are indeed the greatest friends to study, but they do not always fall to a man's share. If therefore we should sometimes be interrupted, we are not immediately to throw away our papers, and give our time

time up for lost: no, we ought to get the better of difficulties, and to acquire such a habit as to surmount all impediments by resolution and application. For if you resolve and apply in earnest, and with the whole force of your mind, to what you are about, that which may offend your eyes or ears, never can disorder your understanding. Does it not often happen, that an accidental thought throws us into so profound a train of study, that we do not see the people we meet, and sometimes wander out of our way? May not this always be our case, especially when our study is not the effect of accident, but of determination?

We are not to indulge ourselves in excuses from study; for if we think we never are to apply to it but when we are vigorous, in high spirits, and free from all manner of other care, we shall always find pretexts to excuse us to ourselves. Let us always therefore find food for meditation, whether we are in a crowd, upon a journey, at table, or even amidst a tumult. How must an orator behave, if in the middle of a crowded court, surrounded with full benches, deafened with scolding, noise and shoutings, he is to prepare himself to deliver a long pleading, he can mark down in no other place than a solitary retreat, the heads of what he is to deliver? For this reason, Demosthenes, great as his love of retirement was, chose to meditate on a shore that was lashed by roaring waves, that he might accustom himself to be undisturbed amidst the tumults of public assemblies.

As in point of study nothing is too minute to be overlooked, I must recommend to my student to write upon waxen tablets, because he can then most easily blot out; unless his eyes are weak, so that he is obliged to make use of parchments, which, though they are easier for the eye, yet retard our writing, by the frequent returns of dipping the pen in the ink,

and

and consequently break the force of thinking. In either case we ought always to reserve a large margin for making what additions we shall think proper. For when we write too close, we are sometimes loth to make amendments, and there is always some confusion arises by interlineations. Neither would I have my young orator to make use of too large pages; for I remember one, who was otherwise a very ingenius gentleman, but was always sure to make his pleadings too long, because he measured them by the length of his page; nor could he be drove from this ridiculous custom, though he was often told of it, until he lessened the size of his parchment. A space likewise ought to be left, where we may enter any matter that accidentally occurs in the course of our composition, though it is foreign to our subject. For it often happens, that an excellent sentiment forces its way into our mind; and though it would be impertinent to insert it in our composition, yet we might lose it, if we do not immediately write it down, for sometimes it may slip out of our mind; or if we retain it, it may divert us from our immediate study; and therefore our safest way is to commit it to paper.

CHAP. V.

CONCERNING AMENDING AND CORRECTING.

I AM next to treat of amendments and corrections, those far most necessary parts of study: for it is, for very good reasons, believed, that blotting out is one of the best employments of the pen. Now this business consists in adding, retrenching, and chang-

ing

ing. The two former are practised easily and readily; but there is a double task required in abating the swelling, in raising the meanness, in subduing the luxuriancy, in regulating the disorder, in adjusting the looseness, and checking the extravagance of composition. For we must condemn what pleased us, and invent what has escaped us.

Meanwhile, it is doubtless that our best way of correcting is by suffering our compositions to lie by us a long time, and then have recourse to them as if they were quite new, and belonging to another, that thereby we may avoid that fondness which every one is apt to entertain for the new-born issue of his own brain. But every man, especially an orator, who must often write as the present emergency directs him, has not an opportunity of doing this. Besides, there is a mean in correction itself. For I have known some, who never examine a piece without presuming it to be incorrect. They think it impossible that the first composition should be a finished performance, and imagine that every alteration of it must be for the better. And thus they serve a page as blundering quacks do a patient; for when once they get a limb under their care, they are sure to lay it open, be it ever so sound; till by pretending to cure it, it becomes hacked, withered, and useless.

Let us, therefore, know when we ought to be pleased; at least, where we ought not to blame. Let our works be polished, but not wasted, by the file. Neither ought we to be extravagant, as to the time between composing and reviewing them. It is true, that the poet Cinna is said to have bestowed nine years in composing his Smyrna: and that Isocrates spent at least ten, in writing and revising his Panegyric.

gyric. But all this is nothing to the orator, who will never be able to produce any thing, if he shall bestow too much time upon what he writes.

CHAP. VI.

OF THE MOST PROPER EXERCISES IN WRITING.

I am now to treat of the exercises upon which we can best employ our pen. This would present us with a large field, if we were to explain what we are to do first, what next, and what last of all. But this I have done in the first and second books of this work, when I laid down rules for the exercises of boys, and of those who are more advanced in study. My present purpose is to shew how we can best attain to the copiousness and ease of style. Our old orators think this is the most successfully done by translating Greek into Latin, which Cicero, in his book concerning the characters and qualifications of an orator, says, was the practice of Lucius Crassus, and he often recommends the same in his own person; nay, he published some books of Plato and Xenophon translated into Latin with this view. Messala was of the same opinion, and composed many orations in this manner, particularly that for Phryne from Hyperides, in which he vies with his original, even in delicacy, a quality so hard to be attained to by the Latin tongue.

The utility of this practice is evident; for the Greek authors, not only abound with variety of matter, but have adorned it with every art of eloquence; and in translating their works we may employ the very best expressions, and yet confine ourselves to our own tongue. As to the figures that embellish our style, we shall be under a kind of ne-

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putable; and it is said to have been th
cise of Sulpetius. For the sublimity c
vates a style, and the too great boldne
pression may, by the orator, be softene
propriety of prose. Meanwhile this ex
of giving to sentiments all the strength
of supplying whatever is omitted, a
whatever is loose. Neither am I for c
exercise to a mere transposition of ter
have it rise to rival and contend with th
expressing the same thing in a more beau
For this reason, I differ with those a
are against this manner of altering L
because, say they, the best expression
laid hold of, therefore whatever we alte
the worst. For my own part, I think,
to despair of saying the same thing in be
for eloquence has been formed by natu
thin, nor so poor, as that one thing ca
pressed only in one set of words. We
ers can introduce the same speech with
of action, and are the powers of eloque
find a variety of manners to express
has said before?

But granting that our composition i

thing twice, and perhaps oftener, to the length sometimes of several sentences? Is not this a kind of contention with ourselves, and shall we then fear to contend with others? For if a thing can be said well only in one way, we must reasonably think that they who had gone before us have already seized it; whereas if the manners of expressing the same thing are various, several paths may terminate in the same point. Conciseness and copiousness have each their several beauties. Metaphorical and proper expressions have their peculiar properties. Simplicity recommends one diction, and a figure gives a beautiful turn to another. In short, the very difficulties we encounter, in endeavouring to excel, must at last make us excellent. Nay, by this method we gain a more thorough insight into the beauties of great authors; for we then do not hurry them over, but examine and review every excellency of their styles; and our very consciousness of our not being able to imitate them, is a proof that we know their value.

It is of great service to vary, in this manner, not only the works of another, but even our own compositions. Let us pick out certain sentiments from our own writings, and turn them as harmoniously as we can into different forms, as we would the same bit of wax into a variety of figures.

In my opinion, however, the more simple the matter is, it is the better calculated to improve us in this exercise. For amidst a vast variety of characters, incidents, times, places, sayings and actions, our inability may easily conceal itself, by chusing, out of so many, one thing that we can handle to purpose. But the proof of oratorial abilities lies in our being able to enlarge what is naturally contracted; to magnify what is inconsiderable; to diversify what is similar, to beautify what is common, and to find a great many good things to say upon one subject.

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because we can reason upon the decree
manner as upon the cause which the
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ever shall copiously handle those direct p
without turning or winding, he will have
facility when he comes to treat of matt
mit of enlargement and embellishment,
never be at a loss to speak in any cau
causes may be reduced to general topics;
Cornelius, the tribune of the people, is
for having read a bill in public. Now
difference between this state of the ca
following topic, viz. " Whether it is
treason in a magistrate to read in pe
the people a public bill, which he himself
in ?" Milo is to be tried for killing Clod
his cause is resolved into a general topic
lows; " Whether it is lawful to kill on
lays you, or to kill a pernicious citizen.
does not way-lay you ?" " Was it right
make over his wife Martia, to his frie
sius? " " Whether such an action is
with a man of virtue ?" In all these cau
of the person is determined by the discu

service even to the most finished and eminent orator; for they give a plumpness and smoothness to eloquence, by making her feed, as it were, on fresh provision, which recruits her spirits, and gives them a gentler flow, after being exhausted in the rough, unamiable, business of the forum. For the same reason, I sometimes would have my young orator's pen exercised in the historical style, because it requires to be full and polished. He may even indulge himself in imitating the freedom and facetiousness of conversation. Nay, I think him not to blame, if he amuses himself even with poetry, like wrestlers, who sometimes, disregarding the diet and exercises to which they are restricted, indulge themselves with ease and luxury. By having recourse to such amusements, Cicero, in my opinion, was enabled to throw such a blaze of glory upon eloquence. For if an orator is confined always to battle it at the bar, the brightness of his genius must grow rusty, its flexibility stiff, and its very point must be blunted by being continually in action.

But though they who practise, and, as as it were, do duty at the bar, are revived and recruited by such amusements, yet young gentlemen are not for that reason to employ too much time upon romantic representations and idle fictions, otherwise they will be in danger of doating upon these phantoms so long, that they cannot be brought to face a real encounter, but shut their eyes upon it, as they do upon the brightness of the sun. This is said to have been the case even with Portius Latro, the first professor of any eminence we ever had in Rome. For, after he had distinguished himself highly by declaiming in his school, when he came to plead a cause at the bar, he begged with great earnestness, that the benches should be moved to the next place that had a roof upon it. So great a stranger was he to

the open air; and so much was his eloquence confined within roofs * and walls.

The young gentleman therefore, who is perfectly well instructed in the method of inventing and expressing (which is no hard matter for a skilful master to do) and after that has made some advances in the practical part, ought, as was the custom with our ancestors, to pitch upon some orator, whom he ought to consider as his model, and the original he is to follow. Let him attend as many trials as he can; that he may be a frequent spectator of the encounters to which he is destined. Let him then commit to writing the causes he has heard, or even others, provided they are real ones, and handle both sides of the question, and, like gladiators, let him fight, as if in good earnest; as we are told was the case with Brutus, when he composed his oration for Milo, which he never pronounced. This is a better method than that of answering the orations of the ancients, as Sestius did that o Cicero for Milo, though it was impossible, from Cicero's pleading, that he should be furnished with all the arguments made use of on the other side.

A young gentleman, however, will sooner arrive at excellency if his master shall oblige him to declaim upon subjects that very nearly resemble real causes, and to go through every part of pleading. But the modern practice is, to cull out such subjects as are most easy and most amusing. The circumstances I mentioned in my second book are unfavourable, however, to this excellent method; I mean a great crowd of scholars, and the custom of hearing certain classes upon certain days: and sometimes their fathers, who pay for their sons declaiming, though they can form no judgment of what

* The whole of this story, I think, proves pretty plainly, that the Roman courts of justice in the forum had no roofs.

they

they say.* But (as I have observed in my first book, if I mistake not) a master who knows his business will not crowd his school with more scholars than he can manage; he will curtail whatever is not to the purpose, and make his pupils confine themselves to the matter in hand, without rambling, as is the custom of some, into all kinds of subjects. Rather than they should do that, he will allow them a further time for digesting their thoughts; or he will suffer them to divide the task prescribed them. For if one part of it is correctly executed, it is of more service to the student, than if he should begin many, and leave them unfinished. When that is the case, nothing stands in its proper place; nothing comes first, that ought to come first; for the young gentlemen crowd into what they speak, all the flowers and figures, which ought to be dispersed through the whole. And thus, for fear of losing an opportunity of introducing what ought naturally to follow, they huddle it in by the lump.

CHAP. VII.

CONCERNING PREMEDITATION.

NEXT to writing, premeditation is of the greatest use, and perhaps most generally practised. This forms a kind of a mean between the difficulty of composing upon paper and extemporary speaking. For every place and every time is not fit for writing; but we may exercise premeditation almost in all

* Orig. Numerantium potiùs declamationes, quàm æstimantium. This passage has been misunderstood by the Abbé Gedoyn We have many proofs that the professors of rhetoric at Rome were paid by the parents of young gentlemen for every time they suffered them to declaim. See Juv. Sat. 7. Line 165.

times and places, and we thereby may become, in a very short time, masters of very great causes. Even when we are awake on our beds, it is assisted by the darkness of the night. Every interval of business gives room for it, and it never is idle. It does not consist only in laying down the general plan of a pleading, though that alone is sufficient to recommend it; but it even can join words into sentences, and give such a connexion throughout the whole pleading, that it requires only to be committed to paper to render it a finished composition. Nay, our memory generally retains what we thus premeditate, too faithfully to be unsettled by that carelessness and indifference which we are apt to fall into after securing it by writing.

But this power of imprinting things upon our memory is neither suddenly nor easily attained. For the first thing we ought to do, should be to give, by the practice of writing, our style such a form, as that it shall naturally present itself wherever we have occasion to use it. In the next place, we ought to practise this by little and little, by imprinting at first only a few points on our mind, so as to deliver them correctly. We are next to proceed by moderate degrees, and so carefully, that the mind must not perceive it is burdened, but gather strength by exercise, and fortify itself by continual habit. In all which the memory, it is true, bears the greatest share; and therefore I shall reserve some things on that head for another part of this work.

What I have recommended will bring an orator, who does not find an invincible obstacle in his genius, and shall give constant application, to deliver what he has premeditated with the same fidelity as what he has got by heart. Cicero tells us, that amongst the Greeks, Metrodorus Sceptius, and Eriphasus Rhodius, and, amongst the Romans, Hortensius,

tensius, could deliver a premeditated pleading without mistaking a single word.

But if, during the delivery, any instantaneous thought should present itself, we are not to be so foolishly scrupulous as to stick literally to what we have premeditated. For no premeditated discourse can be so exact, as not to admit of some accidental improvements. And very often, while we are delivering a written composition, if a good thought suddenly comes into our head, we give it vent likewise. Upon the whole, therefore, this matter ought to be so managed as that we may be readily able to leave or to return to it at pleasure. For though our first business is to come sufficiently and correctly prepared to the bar, yet it would be the height of folly to reject any accidental amendment that may suggest itself in the meanwhile. Premeditation therefore is intended to put it out of the power of Fortune to surprise us, but to leave her an opportunity of assisting us.

The strength of memory, however, enables us to deliver with fluency and correctness what we have thus premeditated, without stammering, going backwards and forwards, and being in a perpetual flutter, and not knowing what we are to say next, unless we have it by rote. For, extemporary speaking at all adventures is preferable to ill-digested premeditation. Because nothing is worse than to be groping for what we are to say; for when we are in search of one thought we lose another, and our memory finds us more employment than our matter. But were we to examine both manners, we shall find that more things may be invented than are invented.

CHAP.

CHAP. VIII.

CONCERNING EXTEMPORARY SPEAKING.

THE richest fruit, and, as it were, the fairest reward of an orator's long and laborious course of study, is the power of speaking extempore. He who is not able to do this, ought, in my opinion, to throw up the business of the bar; and if the pen is all he possesses, let him employ it to other purposes. For I think it inconsistent with the character of a man of virtue, publicly to profess that he is ready to assist another, though he knows he must abandon him upon the most pressing emergencies. This is like pointing out a harbour to a ship in a tempest, which it cannot enter but in calm weather.

The truth is, a great many sudden emergencies happen at trials of every kind, even though we have time enough before-hand to be prepared. If, in such a case, the life, I will not say of an innocent man, but of a near relation, or a dear friend, should be endangered, must a pleader stand mute? Or if the party must be condemned, unless he is immediately defended, is the advocate to beg for a little time, till he shall retire to shades and solitude, in order to prepare a fine speech, which he is to get by heart, while, in the mean time, he goes into a regimen, for the benefit of his voice and lungs? How then can any advocate be justified in acting as such, if he is incapable to speak, even on the shortest warning? When he is to reply upon the spot to his adversary, how will he behave? For very often that which we have premeditated, nay, that which we have written down, does not suit our immediate purpose: because

because frequently the whole complexion of a cause changes on a sudden. An orator, therefore, is to alter his manner as the cause alters; as the pilot works his ship, according to the shiftings of the winds and tides. In short, we may write a great deal, we may read a great deal, we may spend our life in study, all will be to no purpose, if we know no more of the practical part of our business than when we first began. All our past labour must go for nothing, if we have the same thing always to do over again.

Meanwhile, I am not recommending extemporary speaking preferably to any other. All I say is, we ought to know how to practise it; and for this purpose, we are to consider, first, in what manner we are to speak. For we are not to set out upon a race without knowing from whence, and whither we are to run. It is not enough to know the several parts of judicial pleadings, or how to range the points they turn upon in proper order; for though all that knowledge is very necessary, yet we must likewise know what is to come first, what next, and so-forth, and that in so natural an order, that they cannot be altered or displaced, without confusion. But whoever knows how to begin properly, is guided by the natural order of things; and therefore we see men of very moderate experience at the bar, who are never confused or at a loss in stating a case. The next assistant I recommend for extemporary speaking is, for a pleader to know how to search for a thing in its proper place, without being obliged to stare round him, and having his senses disturbed by other ideas; or confounding what he says by introducing foreign matter; and starting from one thing to another, and never fixing to any one point. Lastly, I recommend a method and bounds which cannot be laid down, unless the pleader knows how to divide his discourse.

course, When he has made good to his power all the heads of the propositions he has laid down, he ought to be sensible that it is time to finish his pleading. All this we may acquire by the rules of art.

But it is study alone that can give us that command of language which I now require. By composing constantly and correctly, even our sudden effusions will pass as well as our most laboured productions; and by writing much, we shall speak copiously. Ease in speaking is owing to habit and exercise, and if these are ever so little intermitted, our progress is not only retarded, but our faculties themselves acquire a stiffness that renders them unactive.

A natural quickness of mind is of great service to extemporary speaking. For it enables us, while we are delivering one thing, to plan out what we are to say next. And our voice is always ready to second what we form and premeditate. But neither nature nor art is, singly, equal to the vast compass of thought that is required to invent, to arrange, to pronounce, to observe the order of words and things in what we are saying, in what we are next to say, and in what we cease to say after, all the while preserving the propriety of voice, pronunciation, and gesture; and all at the same time. For we must carry our view far before us; that, while we are speaking, we may purchase what we are to say next; and this foresight must guide us in our progress to the end of our pleading; otherwise we must be perpetually stopping, stammering, and, as it were, hickuping up broken words and half meanings.

There is, therefore, a certain practice that is void of every scientific principle, and is the same that guides our hand in writing quickly, and enables our eyes, while we are reading, to take in whole lines

lines at a time, with all their stops and transpositions, and comprehend what is to come, before we pronounce what goes before. It is this practice that enables jugglers to surprise you with their cups and balls, and to shew such tricks of conveyance from one hand and object to another. But this practice is only useful in speaking when the speaker is previously well founded in the rules of eloquence. So that though, in itself, it is void of the principles, yet it may answer the purposes, of art. For my own part, I can endure no speaking that is not regular, ornamented, and copious.

Far less have I any relish for that tumultuary, fortuitous effusion of words, in which women, while they are scolding, so much abound. Meanwhile, I am sensible that there is a certain warmth and enthusiasm that strikes at a heart with more force than all the rules of art can communicate. When this was the case, our ancient orators, according to Cicero, pronounced the speaker to be divinely inspired. But this effect may be well accounted for. For, an imagination warm with recent ideas, gives to a style an uninterrupted rapidity, which must be deadened were we to commit to writing what we have to say, and must evaporate by being delayed.

If, therefore, we are unfortunate enough to be over-dainty in our expressions, if we stumble at every step we make, we cannot launch the bolt of eloquence; and, however proper each word may be, the composition, though perfect, must be stiff and interrupted. We ought, therefore, to be impressed with a lively idea of every thing we speak; we ought to place in the eye of our imagination every character, question, hope, and fear we treat of, and make them all our own. For it is strength, spirit, and energy, that render a man eloquent. As a proof of this, we see that the most ignorant person

alive, when his passions are sufficiently warmed, has words at will. Then it is the mind exerts itself. It does not fix itself upon any single object, but connects many. Thus, when we send our eye to the extremity of a right line, it comprehends not only that extremity, but all the intermediate and adjoining objects. Eloquence is likewise prompted by fear of shame, and expectation of applause; and it is surprizing, that though when we are composing, we fly to solitude, and hate all company; yet in extemporary speaking we are fired and pleased the more numerous the audience is; in the same manner as the display of arms and the sound of trumpets gives spirit to the soldier. For the necessity we are then under to speak, expels and banishes the slowness of conception; and a violent desire to please crowns our attempts with success. All mankind hope to be rewarded for what they do. And the eloquent, though eloquence itself is one of the highest pleasures, are strongly stimulated by the expectancy of immediate approbation and applause.

But no man ought to place such confidence in his own abilities, as to hope to rise to the highest pitch of reputation by his first efforts. For, as I observed when I was upon the subject of premeditation, our extemporary powers of speaking must rise by degrees, from inconsiderable beginnings to perfection. And this can neither be acquired nor maintained without practice. Let me add, that we are to employ premeditation so as to endeavour to speak what is more safe, but not what is more excellent, than that which we deliver extempore. Nay, this excellency has been attained to in the extemporary way, not only in prose, but in verse; witness Antipater Sidonius, and Licinius Archias. * For in this

* Both these poets are celebrated by Cicero for their extemporary faculties in writing verses.

we

ve are to believe Cicero. Even in our own time, ome poets have succeeded, and now succeed, in the ame way. Not that I think in poetry it is greatly o be approved of, but I imagine that their example vill be a prevailing motive with our student to attempt the same in eloquence.

Neither do I think that any speaker ought to have uch reliance upon his extemporary abilities as not o take some time, however short, (and some time ve generally have) in running over within his own nind what he is to say. Nay, in courts of justice nd in the forum, he has always leisure for this. Besides, no man alive can plead a cause in which ie is wholly uninstructed. Certain declaimers, however, are so miserably vain, that they immediately ttempt to speak upon a subject that has been but ust explained to them; and, what is still more pueile and farcical, they ask you with what word they hall begin. But if, in such a practice, they affront loquence, she has her revenge in laughing at them. For, if fools think them learned, wise men know hem to be ignorant.

But if, by some very great accident, we should be nder a necessity of speaking in public without the east previous preparation, we are then to exert al our quickness and flexibility of genius. And, if ve have no time to mind both, we are to attach ourelves to things, rather than words; about which, in uch an emergency, we are to be very curious. But hen we shall gain some time by speaking slowly, nd in such a manner as discovers suspense and loubt; yet so as to seem not to hesitate, but to leliberate This manner we are to observe, while ve are sailing out of the harbour, and while we are itting our tackling; till by degrees we hoist our ails, we ply the ropes, and wish for a brisk gale to arry us on our voyoge. This is much better than

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to drive before a torrent of useless words, which carry us we know not whither.

But it requires as much address to maintain, as to acquire, this art; for it requires practice to fix any art * in the mind. The practice of writing is but little hurt by a small intermission, but what I am now recommending must always be at hand, and in readiness, and consists in practice alone. The best way of exercising it is, to handle every day some subject, before several auditors; especially such whose judgment and approbation we are proud to court; for it seldom happens that a speaker has a sufficient check upon himself. And yet, it is better to practise without an audience, than not to practise at all.

There is likewise another manner, which is, to handle a subject through all its parts mentally, as if we were debating within ourselves. And this we may do in all places, and at all times, when our mind is disengaged, and not intent upon any other particular subject. In some respects, it has the advantage over the other manner I have recommended. For we are then at more leisure to arrange things with care and exactness, than when we are under a concern for fear we should be forced to interrupt the thread of our discourse.

On the other hand, the first manner contributes more to the strength of the voice, the volubility of tongue, and the attitudes of the body, which, as I have already observed, give spirit to an orator; for the movement of the hand, and the stamping of the foot, rouze him up in the same manner as lions are said, with their tails, to lash themselves into rage. We must, however, study at all times and in all places. For it very seldom happens that our time

* I have here followed the sense which Burman gives of the words of the original, which are very perplexed.

in

s so taken up, as that we shall not be able to gain a ew minutes, either for writing, reading, or speaking; which, Cicero tells us, Brutus never failed to do; ay, Caius Carbo carried this practice so far, that he id not omit it even in his tent. Neither must I orget what Cicero himself recommends, that we ever ought to be careless of our style, even in our ommon conversation, but to speak every thing as orrectly as the subject will admit of.

But we never have more occasion for writing, than hen we are obliged to speak a great deal extem- ore; for writing gives weight to our words: and he wavering, fluttering manner of extemporary peaking, settles acquired solidity; in the same nanner as the husbandmen prune the first roots of he vines, which only fasten upon the surface of the arth, that they may make way for the others to hoot the deeper into the ground. I am not sure whether reading and writing, when practised at the ame time with care and assiduity, do not mutually ssist each other; so that by writing we speak more orrectly, and by speaking we write more easily. et us write, therefore, whenever we have an op- ortunity; when we have none, let us meditate. When we can do neither, we may, at least, do our est, that the pleader be neither surprized, nor his lient abandoned.

But it often happens, that men of great business rite down the beginning and the chief heads of heir pleading, and trust to their memory, and to heir extemporary powers of speaking, for the rest. The notes * of Cicero, which still remain, shew hat this was his practice. But we have other notes y other orators that are more finished, and perhaps omposed in the form they designed to speak them.

* Orig. Comentarii. These were a kind of memorandum ooks, made use of by the ancients.

These

These have been regularly digested and published; witness those of the causes pleaded by Servius Sulpicius, of whom three pleadings are extant. But then these notes are drawn up so carefully, that, in my opinion, they were intended for the benefit of posterity. The notes Cicero left behind him were only for his own private use, and were abridged by his freedman Tyro; an action which I do not approve of; but I mention it, that we may admire them the more.

Of the same kind are those little written hints upon slips of paper which an orator holds in his hand, and which he may look into to refresh his memory. I do not, however, approve of what Lenas recommends, of making a summary of what we write, and reducing it under certain heads. For this manner gives us a security, which spoils the memory, and mangles and disfigures the style. As to my own part, when we are to speak extempore, I am against writing any thing at all; because our mind will always be called off to what we have thus prepared, and we have no opportunity of trying our real extemporary faculties. Thus the mind, by wavering between the writing and the memory, loses all the benefit of the one, without attempting to say any thing new from the other. But I shall speak of memory hereafter, though not immediately, because of certain intervening matters.

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK XI.

INTRODUCTION.

CONCERNING PROPRIETY OF SPEECH AND STYLE.

The Necessity of speaking properly—Of Purpose—Gracefulness—Circumstances—Caution against Vanity—Cicero defended—Becoming Confidence is not Arrogance—Cautions against other Impropriéties of Style and Action—Considerations upon Characters, Times, Circumstances and Causes, and the Manner of treating each.

HAVING acquired, as is mentioned in the last book, the faculties of writing, premeditating, and, (should emergency oblige us,) of speaking extempore likewise, we are next to study how to speak with propriety; which Cicero calls the fourth character of eloquence; and, in my opinion is indispensably necessary to an orator. The ornaments of style are many and various; some are suited to one subject, and some to another; and unless each is fitted to things and characters, ornaments will be so far from beautifying, that they will stifle them, and have an effect contrary to what is intended. For what would it avail us to make use of words that have purity, significancy and neatness, bespangled with figures, and harmonious in sound, unless they are adapted to

those sentiments which we want to raise and fix in the judges? To what purpose can eloquence serve, if, in trifling causes, our style is pompous and lofty; in great, plain and neat; in horrid, gentle; in sorrowful, gay; in compassionate, blustering; in spirited, submissive; and in agreeable, fierce and impetuous? This is like disguising men in bracelets, pearls, and trailing gowns, which are the ornaments of women; and cloathing women in the grandeur and majesty of a triumphant robe.

This subject is slightly touched upon by Cicero, in his third book, concerning the character and qualifications of an orator; where he says, that one kind of style cannot agree with every cause, every hearer, every character, ever juncture. This is saying every thing in a few words. And several passages in his Speaker are to the same purpose. But we are to remember, that the words I quoted are put into the mouth of Lucius Crassus, who speaks them to complete orators, and men accomplished in all kind of learning; and therefore it was sufficient for him to give just a hint of his meaning. In the Speaker, Cicero addresses himself to Brutus, who, he says, was sufficiently acquainted with all this matter, and for that reason it was needless to enlarge upon it. Though it is a copious topic, and has been fully handled by philosophers, my present purpose is to inform the uninstructed; it is not for the use of the learned alone that I write, but of the unlearned; and, therefore, I hope to be indulged in considering it more minutely.

An orator, therefore, is, above all things, to learn the proper means of conciliating, informing, and moving the judge, and the purpose he ought to aim at in every part of his pleading. He is, therefore, never to employ words that are obsolete, metaphorical, or fanciful, either when he introduces, states,

states, or argues his case. In dividing and digesting it he is not to affect a pompous sweep of periods, nor a brilliancy of expression. He is not to wind up his pleading in a style that is low, vulgar, and careless. We are not to mourn when we joke, nor to dry up tears, when we should be drawing them. For nothing in itself is ornamental. It only becomes so, when it suits with the matter to which it is applied; and we ought as carefully to consider propriety as beauty. But the whole art of speaking with propriety is equally connected with invention as elocution. For if there is such a force of words, how much greater force must there be in things? And of those we have already pointed out the natural order.

At present I am to inculcate upon my reader with all possible care and earnestness, that no man can speak with propriety, unless he equally regards what is graceful, as what is expedient. I am sensible that these two characters are generally united, for that which is graceful is commonly useful. And the judges never are more won than when decency is observed, and never more disgusted, than when it is not. Sometimes, however, propriety and gracefulness disagree. But whenever that is the case, dignity ought to get the better of utility.

For it is well known that it would have been highly serviceable to Socrates, if, when he was tried, he had been prevailed upon to have made use of a judicial defence; if, by a submissive manner, he had won over the affections of the judges, and had employed strength and spirit in destroying the charge against him. But such a defence would have been unsuitable to the dignity of that great and good man; and therefore all the defence he made was, that, so far from being worthy of punishment, he deserved the highest honours. For this

wisest

wisest of mankind chose rather to forfeit the short remnant of his life that was to come, than the whole of it that was past. Finding he could meet with no justice in his own times, he appealed to the judgment of posterity. And by abridging his old age of a few years, he was rewarded with immortality, and will live to all future ages. With this view he rejected the pleading which Lysias, who was reckoned the most eloquent orator of his time, brought him ready penned, with a compliment to the author, "That it was finely composed, but not suited to his way of thinking." From this instance, were there no other, it appears that the business of an orator may be not to speak with success, but with dignity; and that on certain occasions, success may be shameful. This conduct of Socrates was ineffectual for his defence, but, which was more important, glorious for his character.

Therefore I lay it down as a principle, that a thing may be decent which is not profitable; but this is in compliance with the common prejudices, rather than the strictness of truth. For the first Africanus rather chose to leave his country, than to submit to defend his innocence against a low worthless tribune, yet he therein consulted his interest as well as his honour. Neither can we imagine that Publius Rutilius was insensible of his true interest, when he defended himself like a second Socrates, or when he chose to remain in banishment, though he was recalled to his country by Publius Sylla. These great men thought the little considerations, which the vulgar think so advantageous, were despicable, when compared with virtue; and therefore their memory will be held in perpetual veneration. Let us therefore not be so grovelling as to imagine that what we think thus glorious is unprofitable. But this difference seldom happens in the course of an

orator's

orator's practice. For, generally speaking, in causes, the same thing that is becoming, is likewise profitable. Some things there are, which are becoming to all men in all times, and in all places, and which never can be unbecoming or disgraceful. As to lesser considerations, which partake, as it were, equally of virtue and vice, they are generally of such a nature, that in some they are becoming, and in others not, and they are more or less excusable or blameable, according to characters, times, places or causes. But when we plead either our own cause or that of another, we ought as much as possible to lay aside such middling considerations, and to throw every thing we say under the * heads either of virtue or vice.

All boasting and self-applause has a very bad effect; nay, when an orator boasts of his eloquence, he commonly renders himself odious, as well as tiresome, to his hearers. The mind of man is endued by nature with a noble, elevated principle, which cannot well brook the superiority of others. This principle, too, leads us to take pleasure in raising the fallen or humble, because that gives us an air of grandeur: and whenever emulation ceases, humanity succeeds. But he who is extravagant in his own praise, seems to treat us with arrogance and contempt, not so much with a design to raise himself, as to humble us. This pulls upon him the hatred of those whom he thinks below him.

This failing of self-conceit is chiefly incident to

* The whole of this passage is so perplexed, that the Abbé Gedoyn frankly owns he does not understand it, though he has translated it. I think, if my author has any meaning, it must be as I have expressed it; because the business of a pleader being either to impeach, or to defend, he is to exaggerate or to extenuate as much as he can. This passage being very difficult, commentators have said nothing at all upon it

those who are too proud to yield, and too weak to fight; and therefore they ridicule their superiors, and censure the blameless. We commonly, however, see that they who are most vain of their merit, have the least share of it. A man of real abilities finds enough within himself to give him pleasure. Cicero has been warmly attacked upon this head, though if we look into his orations, we shall find that he did not so much boast of his eloquence, as of the great services he had done his country. But he generally had reasons for what he did. For he either did it in defence of those who had assisted him in extinguishing the conspiracy of Catiline, or to clear himself from those imputations under which he at last suffered, by being driven to banishment for having saved his country; so that, upon the whole, the frequent mention which he makes of his glorious conduct, during his consulate, is not to be ascribed so much to his vanity, as to the necessity he was under to defend himself from others.

As a proof of this, we perceive that in his pleadings, though he bestows the highest encomiums upon the orators who speak against him, yet he never runs out into any extravagance of self-applause. "If my lord, says he, in the beginning of his pleading for Archias, I have any capacity, which I am conscious is but slender." And in his pleading for Quintius, "This cause, says he, is so circumstanced, that I, who have but small experience, and less capacity, am to encounter a most eloquent pleader." Nay, even in his pleading against Cæcilius in the previous trial (who was to impeach Verres) though eloquence was an important consideration on such an occasion, when a prosecutor was to be chosen, yet he rather extenuates the eloquence of his antagonist, than exaggerates his own. For he does not say that he had attained to eloquence, but that he

he had done his best for that purpose. It is true, he sometimes does justice, and no more than justice, to his character, as an orator, in his familiar epistles, and sometimes (but always under another character) in the conferences he composed.

But after all, I know not which is most intolerable; the man who is simple enough to be undisguised in applauding himself, or he who makes use of a sneering kind of self-applause and ostentation. For instance, when a man who is immensely rich tells us that he is miserably poor; one who is of noble blood, that he is of mean extraction; one who has vast interest, that he is without support; and he who has eloquence, that he is a mere novice and a changeling at the bar. Now all this sneering kind of humility, is no other than gross self-applause and ostentation. We are therefore to let others praise us. Nay, Demosthenes says, "that even while others are praising us, we ought to blush."

Meanwhile, I am far from meaning that an orator is never to speak of his own actions. Demosthenes did it in pleading for Ctesiphon, but such was his management, that he shewed he was under a necessity of doing it, and he threw all the blame of his doing it upon Æschines, who had reduced him to that disagreeable necessity. Cicero likewise makes frequent mention of his defeating Catiline's conspiracy, but he ascribes it sometimes to the virtue of the senate, and sometimes to divine providence. When he vindicates himself more openly, he does it generally when he answers his enemies and slanderers. For he was obliged to defend his reputation when it was attacked. I wish, however, he had been more modest in his verses, which have afforded such subject for criticism to his enemies; meaning

meaning the two famous doggerel verses, * and likewise those passages in which he mentions Jupiter introducing him into the assembly of the gods, and Minerva who had instructed him in all the arts. But he was led into all these extravagancies by the examples of some Greeks, which he thought himself at liberty to imitate.

Meanwhile, though I discommended an immoderate swaggering, yet I am not against a decent assurance in an orator. For what can be more graceful than what Cicero says in his second Philippic, "What can I think? That I am despised? I see nothing in my life, in my character, in my actions, nor in my capacity, slender as it now appears, which Antony can despise." In a line or two after he expresses himself more openly; "Did he intend, says he, to dispute with me the prize of eloquence? This, indeed, is doing me a favour. For can I have a fairer, or fuller advantage, than both to plead for myself, and against Antony?"

Another species of arrogance or boasting is, when an orator tells a judge that he himself had examined into the merits of the cause; that it is impossible the verdict should go against him, and that, had he not known that, he would not have appeared in it. For judges do not love to hear an orator encroaching upon their duty; there is a great difference between a court of justice, and the school of Pythagoras, where all the scholars acquiesced in the master's ipse dixit; if he said a thing, they swallowed it.

An excess of this kind, however, is the less intolerable, when the person who commits it is distinguished by experience, dignity and authority, and the offence is always proportioned to the character of the speaker. Yet, be a man's character, in

* Cedant arma togæ, concedat laurea linguæ.
O fortunatam natam me consule Romam!

those

those respects, ever so great, it cannot excuse him for being modest, while he is peremptory. And not only what he says in that manner, but all that he mentions from his own person or knowledge, that serves his cause, ought to be tempered with softening expressions. There might, for example, have been a kind of vanity, if Cicero, while pleading for Cælius, had flatly said, that there was no disgrace in being the son of a Roman knight while he was his advocate. But he turned this circumstance to the advantage of his client, by grafting his own dignity upon that of the judges; "That he is the son of a Roman knight, says he, ought never to have been urged in accusation, where these were to prosecute, where you were to judge, and I to defend."

An impudent, noisy, passionate manner of speaking is disgusting to all mankind, and the more so, if it happens to be practised by a pleader of years, dignity and experience. It is common to see wranglers forget all regard due to the judges, and neglect every rule of decency and behaviour in their pleading. Such men discover, by their conduct, how little they have honour at heart in any cause they undertake or plead. For a man is generally to be known by his words, and we judge of what he thinks, by what he says. The Greeks had a good proverb to this purpose, As you speak, you live. Those who are over-run with the itch either of adulation or affectation, are apt to sink into the still more disagreeable extremes of mean flattery, studied buffoonery, an abandoned prostitution of character with respect to modesty and decency, and a disregard of all authority in every part of business.

Some men are fitted for one, and some for another, kind of eloquence. The copious, confident, bold, ornamented manner is not so becoming in old men, as that which is concise, gentle and smooth; this

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is the character which Cicero means, when he says, "that his style begun to be grey-headed." For the same reason that purple, glossy robes suit ill with men of advanced age. Young men may use more freedom, even to a degree of daring. In such, we generally hate a dry, finical, studied manner of speaking, as an hypocritical affectation of correctness, because we think it unnatural to see a young man put on a gravity and severity that is only becoming in old age.

A frank, open manner of speaking, suits best with a military man. As to those who profess (as some do) to hold forth upon philosophy, all ornaments of speech are unsuitable to their profession, especially such as are designed to move the passions, for they think it highly blameable to attempt that. They ought not to make beautiful, harmonious periods; for such a style is inconsistent with philosophy. Their length of beard, and sourness of look, does not admit of Cicero's gay manner, when he says, "Rocks and desarts are respondent to the voice." Nor indeed in that other more manly manner of his, which he introduces into his pleading for Milo; "You, ye Alban mounts and groves, I implore and attest; and you, ye dismantled altars of the Albans, companions and partners with Romans in their rites."

My orator, however, whom I suppose to be a man of business, and of good sense at the same time, will not abandon himself to frothy altercations, but study the arts of government: a study that has been entirely abandoned by those whom we call philosophers. And therefore when his own mind is once perfectly well satisfied, with regard to the honour and justice of what he undertakes, he will apply himself earnestly to improve his style in every particular that can contribute to his succeeding in his purpose.

A great

A great man, however, may take liberties that will not be pardoned in one of an inferior degree. The man who conquers and triumphs at the head of armies, may have a peculiar eloquence that is graceful in him; thus, Pompey always spoke well and nobly, while he was giving an account of his own conduct. And Cato of Utica, who killed himself in the civil war, always expressed himself with great eloquence when he spoke as a senator. The same thing, when spoken by one man, may be looked upon as freedom; if by another, as folly; and if by a third, as pride. The reproaches bestowed by Thersites upon Agamemnon are ridiculous; but put them into the mouth of Diomedes, or any of his equals, they will appear noble and spirited. Says Lucius Crassus to Philip, "Shall I look upon you as a consul, when you do not look upon me as a senator?" There spoke all glorious liberty! And yet it is not every person that we could suffer to speak so. Catullus says, "That he does not trouble his head, whether Cæsar's complexion is black or fair." This is mere folly. But supposing Cæsar to say the same thing of him, it is then disdain.*

Dramatic writers, above all, are obliged to keep up to the propriety of characters, of which they introduce a great variety. The same propriety was preserved, and for the same reason, by those who composed orations for others, and by declaimers. For we do not always speak as advocates, we often speak as parties. Even when we plead causes, we must carefully preserve the manners of each character; for we often make use of fictitious characters,

* Orig. Arrogantia.] Our commentators have taken no notice of this word, and the Abbé Gedoyn translates it arrogance, but I cannot see with what propriety. And, indeed, I strongly suspect that the word has crept into the text. It will, however, bear the sense I have given it.

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and speak, as it were, by the mouth of others, and then we must speak as we suppose they would have spoken. We give one manner to Publius Clodius, another to Appius Cæcus; the old man in Cæcilius has one character, the old man in Terence has another. Can any thing be more horrid than the words of the lictor, belonging to Verres? "Before you can approach him, you are to give so much. Before I suffer you to receive any sustenance, you must give me so much. What will you give me if I strike your son's head off at one blow? If I do not put him to a lingering death?" and so forth. How noble and how brave, on the other hand, was the constancy of the Roman, who while he was ignominiously scourged, continued saying only, I am a citizen of Rome! When Cicero in his prerogation introduces Milo speaking, how gracefully suited are his words to the character of a man, who in defence of his country had so often quelled the fury of a seditious citizen, and had conquered craft by courage! In short, there is not only as great a variety in the prosopopœia as in the cause, but a greater: because we often introduce boys, women, people, nay, inanimate objects, speaking and imploring, and we must preserve the propriety of character in each.

This same propriety must be observed with regard to the parties for whom we speak. Very often one character requires one manner, and another, another; according as the party is noble or mean, odious or popular; marking, at the same time, their several pursuits and conduct. The greatest recommendation, however, to an orator proceeds from his humanity, his affability, modesty, and benevolence. Yet it is consistent with a man of virtue to lash the wicked; to be zealous for the public good; to call for vengeance upon guilt and injustice, and always to speak and act like himself, as I have already mentioned.

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We are likewise to attend not only to our own and our client's character, but to that of the judge before whom we plead. Fortune and power introduce great difference with regard to a judge. The sovereign, the magistrate, the senator, the private gentleman, require each a different address and manner. And we are not to speak with the same spirit in a private arbitration, as at a solemn trial. When we are speaking in capital cases, earnestness and precaution become us; for then we play off every engine that can give force to what we say. But in matters of small moment, all such efforts are idle and ridiculous; and a man would be laughed at, if in a private hearing, on a trifling affair, he should say with Cicero, "That he feels not only great weight upon his spirits, but a trembling in every joint of his body."

There can be no manner of doubt that a grave senate and a giddy people are to be spoken to in different manners. Nay, where there is but a single judge, if he is a man of virtue, we address him differently from what we would do, if we knew him to be a worthless fellow. The scholar, the soldier, the clown, require to be spoken to in different manners. And sometimes we must lower and abridge our style, for fear the judge should be unable to apprehend or understand it.

We ought likewise to pay great attention to time and place. There are times of gaiety and sullenness; sometimes we are free, and sometimes we are limited to a certain time; and the orator is to conform his speech accordingly. There is likewise a great difference as to the place in which we speak; whether it is public or private; frequented or retired; in our own, or in a foreign state; in the camp, or in the forum. Each place requires a different address, and a different

a different manner of speaking; as in common life we are differently employed in the forum, at the court, in the field, in the theatre, and at home; and a great many things, which are so far from being blameable in their own nature, that they are sometimes necessary, become scandalous, when they are done otherwise than as usage directs.

I have already observed how much more brilliancy and ornament the demonstrative manner, which is composed so as to please the hearers, admits of, than the argumentative and judiciary manner, which turns upon law-terms and disputable matters. But I am farther to observe, that such may be the circumstances of a cause, as to render it improper to introduce into a pleading some of the brightest beauties of eloquence. Supposing a man to plead for his life before his prince or his conqueror, could we bear with him, if he was perpetually attempting metaphors, introducing new-coined and obsolete expressions; a curious, finical, uncommon arrangement of his words; sweeping periods, pointed sentiments, and merry jokes? Would not such a manner destroy all that appearance of awful concern, which is so necessary for the man who speaks for his life, and that pity which even the innocent are obliged to implore? Can we be touched with the fortune of a man, whom in such deplorable circumstances we see puffed up, vain and swaggering with self-conceit, and making an ostentatious display of eloquence? No, we should rather be apt to hate him for his eager hunting after words, for his earnest courtship of applause, and for his having liesure to be eloquent. This was very finely guarded against and understood by Cælius, when he defended himself against a prosecution for an assault; "that none of you, my lords, says he, or of my prosecutors, who are here

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in court, may think that either my sentiments or looks are irreverend, or that my language is indecent, or my behaviour in any respect assuming."

Nay, some defences consist entirely in offering satisfaction, in deprecating and acknowledging; in such cases, is the party to weep in pointed sentences, or to implore in flourished periods? Does not every embellishment of distress weaken its force? And does not security damp compassion? If a man were to prosecute one who had murdered, or worse than murdered, his son, would he set forth his narrative in curious, sparkling expressions? Would he aim at beautifying it? And, without being contented with a concise, but expressive, state of the case, would he arrange his arguments upon his fingers, and then enter into a studied regularity of propositions and divisions, or, as often happens in such cases, speak with coldness and unconcern? If he should, what must we think are become of all the agonies he ought to feel? Where are his tears? How has he then leisure for that attention to the minute rules of art? No; when a man wants to make his hearers feel the anguish which he suffers, his whole pleading must be agony itself, and his distress painted in his countenance all the time he speaks; upon the least abatement of passion, he will find it difficult to revive his own sentiments in his judges.

This is a caution extremely material for those who deal in declamation, (for I love to look back upon my former employment, and to omit nothing that can contribute to improve the orator I have undertaken to form) for declamations give great room to the play of passions, and therefore we speak them not as advocates, but parties. Let us, therefore, for example sake, suppose the case of a man who is reduced, either by calamity or remorse, to implore the

the senate for leave * to put himself to death. In such a case, the declaimer, who is supposed to represent this unhappy man, is not to fall into the common, foolish manner of whining out his request, neither is he to bedizen it with ornaments. Even in the arguments he brings, passion should mingle, nay, predominate. For we cannot see a man under such circumstances, able to suspend his grief, without suspecting that he is able to shake it off likewise.

I know not, however, whether this observation of propriety, which I am now recommending, ought not greatly to regard the persons and characters of those against whom we speak. For, doubtless, in all prosecutions, we ought to behave so as to make it appear that we do not wantonly undertake them. I therefore am shocked at what was said by Cassius Severus, "Good gods! I live to see in the world the thing that can give me the greatest pleasure; I see Aspernas impeached." Here the prosecutor seems to impeach him on account rather of some personal resentments, than from his love to justice.

We ought, therefore, to have a general regard for mankind, and yet a cause may be so circumstanced as to require a peculiar management. When a son, for example, sues for the possession of his father's estate, he ought to express his sorrow for his father's inability to manage his own affairs; and whatever heavy charges the father may bring against the son, the latter is to express the vast concern he is under, for being reduced to the disagreeable necessity of doing what he does; and this, too, not by some tran-

* The reader is not to imagine that the thing here mentioned ever happened in Rome; though we are told that the people of Marseilles, and the island of Coos, had a right to apply to their magistrates for the leave mentioned here; which was granted them, if they could give sufficient reasons for their request.

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sient expressions, but through the whole progress of the cause, so that he may appear to feel what he says. In like manner, a guardian never will be so angry with a ward who brings him to a severe account, so as not to discover some vestiges of affection for his person, and some regard to the memory of his father. If I mistake not, I have in the seventh book described the conduct which the several parties ought to observe in courts of justice, against a father who has disinherited his son, or a wife who complains of her husband. And in the fourth book, where I have laid down rules for introducing a pleading, I have shewn where it is most proper for a party to speak himself, and where to employ an advocate.

There can be no manner of doubt that there is a certain decency or indecency in single words. But in order to finish this topic I must add a matter of very great difficulty; I mean, how we are to manage when we are obliged to mention things that are not quite becoming in their own nature, and which if we could, we would leave unmentioned, so as that the speaker might avoid all indecency. Now what can be more shocking to the understanding and ears of mankind, than for a son or his advocates, to prosecute a mother; yet this sometimes may necessarily happen, as in the case of Cluentius Avitus. But an advocate is not always to observe the same manner that Cicero did in speaking against Sassia; not that his management was not very good, but because it is a matter of great consideration in what respect and what manner a mother is to be attacked. But a monster like her, who avowedly sought only to destroy her son, was to be treated with the height of severity.

Two points still remain to be spoken to, and Cicero has divinely observed both. In the first place, that

that a son never ought to forget the reverence he owes to his parents. In the next place, that by a detail of circumstances from the original of the cause, the speaker ought minutely to shew that what he was to speak against the parent was dictated not only by justice, but necessity. Cicero begins with laying down that principle, though in fact it was foreign to his subject; but he was fully convinced, that in a cause so difficult and so delicate at the same time, the first consideration ought to be decency. By that means he kept the son clear of all hatred to the name of his mother, and pointed against herself all the indignation which it raised. It may, however, possibly happen for a mother to have a law-suit with her son, about matters attended with little consequence or rancour. In such a case, the son's defence ought to be respectful and submissive. For by offering all the satisfaction that is in our power, we either divert the indignation of the hearers from ourselves, or we transfer it to another party; and if the son shall make an earnest profession of his sorrow, he will be thought innocent, and the court will believe the prosecution to be groundless. There is a decent manner likewise in such causes, of throwing the charge upon a third party, so as to make it believed that it arises from their dark designs. In such a case we are to protest that we will suffer the greatest hardships rather than say any thing inconsistent with filial duty. And to manage so, that though in fact we have nothing to retort, yet that our forbearance shall seem to be the effect of our moderation. Nay, even when there is ground for a charge, the business of an advocate is to lay it so as that it may seem to be brought against the inclination of the son, and merely in compliance with his own duty as an advocate. Thereby both of them acquire applause. The same rules of conduct I have laid down

from a son to a mother, holds good with regard to the father likewise. For I have known sons go to law with their fathers, almost the moment they came of age.

When we have differences even with more distant relations, we ought to behave so as that whatever we speak against them should seem to be extorted from us by necessity; and it ought to be touched upon as sparingly as possible. The measure of it, however, ought to be directed according to the regard that is due to the person of the party. I recommend the same respect to a freeman who has a law-suit with his patron. And, to sum up the whole of what I have to say on this head, in such cases we never ought to behave to an opposite party in such a manner as would shock ourselves, were he to behave so to us.

There is so much regard due to men in power, that sometimes we ought to think ourselves obliged to account for the freedom with which we treat them, lest it should be thought that in attacking them, we are guilty either of petulance or vanity. Therefore Cicero, before he pronounced his bitter invective against Cotta, which he could not avoid without injuring the cause of his client, Publius Oppius, prefaced his invective with a long apology, setting forth the necessity he was under of pleading in that manner. We are likewise sometimes to treat inferiors, especially if they are very young, with a gentle lenient hand. Cicero observes such a conduct towards Atratinus, in his pleading for Cælius. For, far from reproaching him with the bitterness of an antagonist, he treats him almost with the indulgence of a parent. For he was a young nobleman of high rank, and he had several provocations to bring the impeachment.

But the great difficulty of a pleader is not to give such

such proofs of his moderation and tenderness as are satisfactory to the judges or the bystanders; for he will find it a much harder matter to plead against those antagonists whom he is afraid of offending. Cicero, when he defended Muræna, encountered two antagonists of that kind in the persons of Marcus Cato, and Servius Sulpicius. While he allows every virtue to the latter, how handsomely does he expose his pretensions and address in standing for the consulship! And yet could a man of quality, and one who was a kind of oracle in the law, meet with a more severe mortification than a repulse of that kind? But how beautifully does he account for his pleading for Muræna, when he says that he had opposed his election in favour of Sulpicius; but that he did not think himself at liberty to refuse to defend him against a capital impeachment. But with what a delicate hand does he touch upon Cato, to whose natural virtue he pays the highest compliments; and imputes his being somewhat too untractable upon some heads, not to himself, but to the principles of stoicism he had imbibed. In short, his pleading is such, that one takes it rather for a difference in opinion upon some speculative point, than for a dispute at the bar. The best and the surest rule, therefore, that I can lay down, is by recommending the manner of that great orator. When you want handsomely to deny one good quality, grant your antagonist every other; making an apology, that this is the only thing in which he is mistaken; and adding, if possible, the cause why he is so; by his being a little too obstinate, or credulous, or passionate, or imposed upon by others. All this is generally saved, if through the whole of the pleading there appears an even strain, not only of complaisance, but of kindness. Besides, we are to shew that we have good reasons for what we say; and to urge it with modesty,

and as it were, because necessity obliges us. There is a different, but an easier manner, when we are obliged to justify the actions of men, who are either notoriously scandalous, or hated by ourselves. A man ought to do every man justice, be who he will, if he does what is right. Cicero, in the former part of his life, had a bitter enmity with Gabinius and Publius Vatinius, nay, he wrote orations against them, yet he pleaded for them afterwards. In this he justified himself and his clients, by saying their cause was such, that it did not require his abilities as an orator, but his services as an honest man. He had a more difficult task to manage in the trial of Cluentius, when he was under a necessity of proving Scamander to be guilty, though he had before pleaded his cause. But he did this with the finest grace imaginable, by pleading for his excuse the importunity of his friends, who had prevailed with him, and his own youth. Add to this, that he should still have been more to blame, had he, especially in a doubtful cause, acknowledged that he had been over-hasty in undertaking the defence of the impeached party.

We may happen to plead before a judge who has an interest, either on his own, or his friend's account to be against us. In this case, though it may be very difficult to bring him over, yet there is a very ready way of dealing with him. We are to pretend that we have so high an opinion of his justice, independent of every other consideration, that we have nothing to apprehend. We are then to flatter his vanity, and to convince him that his reputation and honor must be for ever established, the less he consults his own resentment, or interest, in the sentence he is about to pronounce. We are to proceed in the same manner, if we should happen to be sent back to the judge from whom we have apppealed;

and we are to pretend some necessity we were under, if the cause will admit of it, or some mistake or some matter of suspicion. Upon the whole, we are to acknowledge our sorrow for what has happened; to offer all the satisfaction in our power; and to render the judge, as it were, ashamed to sacrifice us to his resentments.

It may happen sometimes, that a judge takes a second cognizance of the cause upon which he has already given a decree. We have a general apology in such cases; that we never would dispute his decree before any other judge, and that no man but himself can amend it. Besides, (as is often the case) some circumstances were then unknown, or the witnesses were absent; and if we are reduced to our last shift for an excuse, we are to say, but with a great show of unwillingness, that the advocates had not done their duty.

When other judges are assigned us, as often happens in the second hearing upon capital matter, or when we appeal from one court of the Septemviri to another, our best way is, if we can, to pay great compliments to the characters of the judges. But I have spoken more fully upon this matter under the head of PROOFS.

It sometimes happens that we accuse others of crimes of which we have been guilty ourselves; as Tubero, for instance, accused Ligarius for having been in Africa. Some who have been condemned for corrupt practices in elections, have, in order to recover their own reputation, accused others for being guilty of the same. And we have known in schools, a spendthrift son impeach a spendthrift father. I own, I do not find how this can be done with decency, unless by discovering some difference in the character, the age, the occasion, the cause, the place, or the intention. Tubero alledged that what he

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did was when he was a young man; that he followed his father, who had been sent by the senate, not to make war, but to buy up corn; that the first opportunity he could find, he had left the party; whereas Ligarius had persevered to the last; and that in the contention for power between Pompey and Cæsar, a contention that did not threaten the destruction of the commonwealth, he was not satisfied with attaching himself to the former, but joined Juba and his Africans, those sworn enemies to the people of Rome. Besides, when we condemn a thing in ourselves, we can with a better grace attack it in another; but the success of this depends not upon the pleader, but the judge. If we have no circumstance to plead in our favour, contrition is the only thing that can do us service; and it will appear some proof of our amendment, if we turn our hatred against those who have erred in like manner with ourselves.

Cases may happen in which that may be done without any impropriety. For instance, a father may have a son by a whore, and he may want to disinherit that son for loving another whore so well as to be about to marry her. This is a matter handled in schools; but it may happen in common life. Here the father may very speciously urge, that all parents earnestly wish their children to be more virtuous than themselves have been; that even a common woman wishes to preserve the chastity of her daughter. Nay, he may go so far as to say, that his station in life, compared with that of his son, was mean; that he had not a father to give him instruction; that the son is the more blameable in what he is about to do, because it will revive the shame of his family with the reproach of his father's marriage, and his mother's former course of life, circumstances which his father cannot now bear to think of; that the

practice being repeated, may become a precedent, which their descendants may think themselves obliged to follow. And he may further observe, that he cannot bear with the woman, because of some particular circumstances of infamy attending her. I omit other things he may urge. For I am not here laying down rules for a declamation, but shewing that it is possible for an orator to turn to his own advantage, circumstances that at first sight make against him.

Cases of defilement, ravishment, or defamation, require to be handled with more heat by the advocate, who must seem to be impressed with all the woes of his client; whom I do not suppose to speak, because all the language he could use must be groans, tears, and imprecations. So that the judge must rather understand, than hear, the expressions of his grief.

When a speaker is obliged to appear on the side of rigour and severity, he ought always to have a colourable excuse for it; as Cicero had when he spoke about the children of those who had been proscribed. For he represented it as the height of barbarity, that their descendants, men of the highest rank and quality by birth, should be precluded from all places of trust and power. But while this great, this mighty master of our passions, acknowledges this, he affirms, that Sylla's laws were then become so essential to the constitution, that it must be dissolved, if they were repealed. By this manner he made an apology even for those whom he was opposing.

While I was upon the subject of jokes, I shewed how mean all insults upon the unfortunate are, and how dangerous it is to attack, with petulance, whole orders, people, and nations. But sometimes we cannot discharge our duty, without some general reflections

flections upon particular sets of men; freed-men, for instance, soldiers, tax-gatherers, and the like. And through all such reflections we are still to observe an unwillingness to say what gives offence. Besides, we ought to confine them to the matter in hand; and if we are severe in one point, to make amends by recommending another. If we observe in general, that soldiers are rapacious, we are to add, it is no wonder, because they think that the danger they undergo, and the blood they lose, entitle them to be well rewarded; and we are to excuse their roughness and petulance, by observing that they are more accustomed to war than peace. When we we want to invalidate the evidence of a freed-man, we are at liberty to make encomiums upon his industry, through which he obtained his freedom.

With regard to foreign nations, Cicero has treated them in different manners. While he attacks the credit of Greek witnesses, he acknowledges them to be ingenious and learned, and professes a love for their country. He treats the Sardians with contempt, and inveighs against the Allobrogæ as the enemies of Rome. And in all this, as matters stood in his age, there was nothing improper or indecent. An odious matter may likewise be softened by the moderate manner of expressing it. If a man is cruel, you are to call him too severe; if unjust, that he was so through his thinking himself in the right; if obstinate, that he was too tenacious of his opinion. And thus you seem willing to reclaim those you speak of, which has an excellent effect.

Nothing is becoming that is carried into excess; nay, a thing that in its own nature is commendable, loses all its merit, unless it is confined within proper bounds. I am here speaking of a thing that depends not so much upon precepts, as upon a certain way of thinking which tells us when enough is said, and

when the speaker begins to be tiresome. But this ENOUGH can neither be weighed nor measured; because in hearing, as in eating, some are sooner satiated than others. It may be proper here to add a short observation, that different properties of eloquence are preferred by different speakers, and often by the same. For Cicero, in one passage says, "that the perfection of speaking consists in speaking in a manner that seems easy to be imitated, but is not." "In another passage he says, that the end of his study was not that he might speak so as that another person might think him easy to be imitated, but that he might speak so as never man spoke." These two passages appear contradictory to one another; but both are strictly just: all the difference lies in the manner which the cause requires. Because a simple, easy, unaffected style is wonderfully taking in slight causes; while those of more consequence demand a more majestic eloquence. Cicero excelled in both. They who know no better, think the first easily attained to, but they who do, know that neither is easy.

CHAP. II.

CONCERNING MEMORY, ARTIFICIAL AS WELL AS NATURAL.

SOME imagine the memory to be an endowment merely natural: and, no doubt, it is so in a great measure. But, like all other natural gifts, it is improved by cultivation, and all the rules I have hitherto been laying down, must go for nothing, unless the other accomplishments of an orator are enlivened and regulated by memory. For all art depends upon memory; and it is in vain that we are taught, if every thing we hear leaks through our understanding. It

It is the force of memory alone that furnishes us with a ready application of those examples, laws, answers, sayings, and actions, with which an orator ought to abound as with a treasure which he has always at command. For this reason the memory is properly called the treasury of eloquence.

But it is not enough for a pleader, who is often to speak in public, to have a tenacious memory, unless it is quick in its apprehension likewise, not only at mastering, at once or twice reading over, what you have once writ, but in being able to follow the connexion of those things and words which you have premeditated; as well as whatever has been said by the opposite party. And that, not wholly with a view of confuting them in order, but of disposing them to the best advantage for your own purpose. But after all, what is extemporary speaking but a vigorous exertion of this mental power? For when we are speaking of one thing, we are premeditating another that we are about to speak. This premeditation is carried forward to other objects, and whatever discoveries it makes, it deposits them in the memory, and thus the invention having placed it there, the memory becomes a kind of intermediate instrument that hands it to the expression.

I think it is needless for me to take up my reader's time, by shewing in what the memory consists; though it is generally thought that certain ideas are fixed in the mind, which answer to things in the same manner as the impression does to the seal. Neither will I tell my reader that I think memory is either weak or strong, according to the constitution of the body. But as to its relation with the mind, I admire its properties, in immediately recalling, and presenting us with objects and circumstances that have been long past, and buried for years; and this often spontaneously, and without our being at any

any pains, not only while we are awake, but while we are in a deep sleep. Nay beasts, which are thought to be void of understanding, remember and know one another, and after travelling long journeys, they always remember to come back to their former habitations. Can any thing be more surprising that the freshest incidents often escape our memory, while it retains the oldest. We forgot what happened yesterday, but remember what happened when boys. Is it not wonderful that our memory will stumble by chance upon things that have eluded our most careful search, and that it is not always the same, but sometimes recovers itself by certain inherent powers.

Mankind, however, must have been ignorant of the extensive divine qualities of memory, if eloquence had not lighted up in all her powers. She arranges the order, not only of things, but of words. And this not for a sentence or two, but through the longest series of periods, continued in a connected discourse, or pleading, so that the patience of the hearer fails sooner than the memory of the speaker. As a proof that memory may be improved by art, and nature assisted by method, we need only to observe, that a man, by the help of learning and practice, can, when assisted by memory, do that which a man who is void of both cannot do. Yet Plato tells us that learning is an enemy to memory, meaning, that after we have committed a thing to writing, we are no longer anxious to remember it, and neglect it, because we have secured it. It is likewise certain that the earnest application of the mind, and the keeping in the eye of the understanding one single object, contributes greatly to the memory. This is the reason why the mind retains that which we have been writing over and over for several days, in order to get it by heart.

Simonides

Simonides is said to have first discovered the art of memory. And the story told of him upon this occasion is worthy of notice. He had bargained with a wrestler, who in the public games had carried away the prize for that exercise, to be paid a certain sum to compose such a poem as is common upon those occasions. But the wrestler refused to pay him for a part of his poem, in which, as is usual with poets, he had digressed, by running out into the praises of Castor and Pollux, telling him, that he must apply for payment of that part to those whom he had celebrated; and as the story goes, they paid him effectually. For, Simonides being invited to a grand entertainment, made in honour of the conqueror, a messenger came and told him, that two young men on horseback were at the door, and desired to speak with him. Upon his going down, he found nobody there, but the event convinced him that the gods had been grateful. For he had scarcely gone over the threshold, when the roof of the dining-room fell in, killed all the guests, and mangled them so, that when their relations came to bury them, the deceased were not to be distinguished, either their faces or their limbs. But Simonides recollecting the order in which each guest reposed at table, gave their several bodies to their several relations.

There is a great disagreement amongst authors, whether this poem was composed upon Glaucus Carystius, upon Leocratis, or Agatharcus, or Scopa; or whether the house in which this happened was at Pharsalia, as Simonides intimates in one passage, and as is affirmed by Appolloacrus, Eratosthenes, Euphorio, and Eurypylus of Larissa; or whether it did not happen at Cranon, as Apollas Callimachus says, in which he is followed by Cicero, who has rendered this story very celebrated. It is certain

Scopa,

Scopa, a noble Thessalonian, perished by this accident, and some say his nephew by his sister likewise, and they think that most of that name descended from him. For my own part, I look upon this whole story of Castor and Pollux to be fabulous, the poet himself does no where expressly mention the fact, and we cannot suppose he would have forgot an incident so glorious for himself.

Every man, however, is at liberty to believe or disbelieve it as he pleases. But it is certain, that Simonides is thought to have assisted his memory by recollecting the place where each guest lay. And, indeed, when we return to a place, after being absent from it some time, we not only know it again, but remember what we had done there, recollecting at the same time, the persons who were present, and sometimes the private thoughts that then passed within ourselves. This art, therefore, like most other, is built upon experiments: and they proceed upon it as follows. They chuse a very spacious spot, marked with vast variety of objects; for instance, a large house, which is divided into a great many apartments. Here they imprint deeply upon their mind whatever is most observable, so that their imagination can run over all the parts of it without halt or delay; for their first business is to avoid all stops; because those ideas ought to be most deeply imprinted upon the memory, which are to assist in preserving other ideas. They next mark the particulars, which they have written or digested in their thoughts, by another signal, which is to put them in mind of them. This signal may arise from the matter which they treat of, supposing it to be war, navigation, or the like. Or it may arise from some word, by recollecting which they can command circumstances, even though they have slipped out of the mind. For instance, if their subject is navigation,

navigation, they may fix upon an anchor, if war, upon some part of armour.

Having settled this point, they are next to fix the signals, or objects, that are to correspond with their ideas: for example, they may, for the first part of their discourse, fix upon the outer gate; for the second, upon the court-yard; they may then proceed to the back-yard, the bed-chambers, the halls, nay, the beds and furniture, annexing a certain idea to each in order. This being done, when they are to trust to their memory for delivering a discourse, whatever is the subject, they then begin to recollect the several places in their order, and as they present themselves, they furnish the idea which was annexed to them. Thus, let the particulars to be remembered be ever so numerous, they are connected in order by a certain chain so readily, that they follow regularly, if the person has only made himself completely master of his signals. What I have said of a house is applicable to public buildings, to a journey, or a walk round the city, to pictures and the like. We may even raise to ourselves ideal signals, which may answer our purpose.

Upon the whole, therefore, there is a necessity of having places, either real or imaginary, and images or signals which we may likewise form at pleasure. These signals mark the things which we want to retain in our memory, so that, as Cicero says, "Places may serve for paper, and ideas for letters." But that I may go on in his own excellent words, 'We must, in short, make use of local circumstances, which require to be various, clear, plain, and pretty nearly connected. But the ideas, which serve as the intermediate agents, must be exquisite and well-marked, and such as may present and strike the mind with the greatest quickness. I am, therefore, the more surprised how Metrodorus could find out

three

three hundred and sixty local places, or signals, in the twelve signs of the heavens, through which the sun passes. This, surely, was all vanity and boasting, and the boasting of a man, who ascribed the strength of his memory to his art rather than to his genius.

I am far from denying that some of those things may not assist the memory in some cases. For example, when we are to repeat the names of a great many things in the same order we heard them, we may connect things to the places which we have imprinted in our memory. To the outer-gate, for instance, we affix the word table, to the inner-court, the word bed, and so of all the rest. And then, when we come to review our places, we find the things we committed to them. Perhaps this method may likewise help those who, after an auction is over, can tell in order the names of all the goods that have been sold in it, and of the several buyers correspondent to the clerk's account. This, we are told, was done by Hortensius: but such artificial helps avail little in getting by heart a continued discourse. For there the ideas differ from the things, and it is impossible to make them correspond; nay, in endeavouring to do it, the memory being doubly burdened, runs into confusion.

But how is it possible for this art to enable us to observe the connection and disposition of words in a pleading? Besides, there are certain conjunctive particles, to which no objects or signals can correspond. I admit that we have, like writers in shorthand, certain marks that correspond with every thing. And such an infinite variety of fixed objects, that we can express the very words of Cicero's five pleadings in the second impeachment of Verres; by recalling the idea which we had affixed to each object. But must not this double business of the memory

ry perplex and confound our delivery? For how t possible to go smoothly on, without interrup- n, in a continued discourse, if we are to have ourse to a certain object to furnish us with every rd we speak? I shall therefore leave Charmadas l Metrodorus of Scepsis, whom I mentioned be- e, in possession of this art, though Cicero says y applied it with success; the rules I am to lay wn shall be more plain and simple.

If we are to get a long discourse by heart, our st way is not to overburden our memory, but to it by portions of a tolerable length. For if they too short, our joining them together will breed nfusion in the memory. As to the extent of each tion I cannot fix it; otherwise than by recom- nding, that it should finish a sense; unless it is odivided into so many parts, that they must be en separately. For we ought to have, as it were, ting places, for frequently recollecting the connec- n of words, which is the most difficult part of this siness. And then this review will be sufficient direct us in joining together the several portions.

It may, however, be of service to write upon the rgin certain private marks, which may, as it were, resh and guide the memory. For he must have a acherous memory indeed, who is not able to re- lect that he has made a mark, and that he had a aning in so doing. In short, let him be ever so pid, such marks will still serve as some assistance his memory. For the same reason it will be of vice, as I said before, to recall the ideas that ape us by certain signals to which they are affixed; instance, an anchor, if we are to speak of a ship; d a spear, if of a battle. Such signals are of at service; it is, as it were, producing one me- ory out of another, in the same manner as when tie fast a ring, or shift it from the finger were

we

we commonly wear it, we immediately recollect the reason why we did it.

But things may be better fixed upon our memory, if we connect them with some similar object. Thus, if we want to remember a name, Fabius, for instance, we surely never can forget the Delayer, so famous in history, or that we have a friend of the same name. This is still more easy in proper names derived from certain objects; such as a bear, a wolf, a nose, or the like. For then we have no more to do but to recollect the objects. It is likewise of great service for us to recollect the original of an appellation, Cicero, Verres, or Aurelius, for instance.

But nothing is so good a help to the memory, as to learn by heart a discourse from the paper in which you write it. For a person's memory will always be assisted by certain circumstances upon the very face of the paper itself. And we keep in mind not only pages, but lines, in the order we wrote them, so that while we repeat, we think we are reading. But if there should happen any erasement, interlineation, or alteration, they are certain signals so fresh in our memory, that they guide us to the very words.

There is a certain method pretty much of the same nature with artificial memory. But (if my experience does not deceive me) much more expeditious and effectual. And that is, to get a thing by heart to ourselves, as we do when we make use of artificial memory. But here an inconveniency will arise from certain ideas that may create a confusion and distraction in the mind, if it is quite unoccupied. Therefore, I think, the best way to prevent this, is to employ the voice while we are getting by heart, for then the exercise both of speaking and hearing will fix the mind, and consequently

uently the memory, by clearing it of all imperti-
ent ideas. We ought not, however, to raise our
oice too high, nay, scarcely above our breath.
ome get by heart, while another reads. This man-
er has its disadvantages too, because the sense of
eing is much quicker than that of hearing. It has
advantages likewise, because the learner in hear-
g a thing once or twice over, has an opportunity
exercising his memory, so as to become almost
perfect as the reader. For it is of great import-
ce for us to be making frequent essays with our
emory. Whereas, when we do nothing but read,
e pass over what we know the most and the least
with the same facility. But by making frequent
ials our efforts are greater, and we lose no time,
we do when we repeat what we already know.
ut here we repeat only what we had forgot, and
doing it again and again, fix it upon our me-
ory. Meanwhile, I know we remember a thing
e better, for having once forgot it. He who learns
repeat as well as he who composes, ought to pos-
ss good health, free from all indigestion and wan-
erings of mind.

But next to practice, which is the most powerful
sistant, a right division and arrangement are the
ost effectual means to make us remember what we
rite, and retain what we have studied. For he who
vides properly can never mistake the order of
ings. Because there is a certain method, not only
dividing, but of treating subjects; in knowing
hat we are to say first, what second, and the whole
ngs so regularly together, that nothing can be
nitted, and nothing added without a perceptible
olence done to the sense. Thus when Sævola had
st a game at back-gammon,* by making a false

* Orig. Scriptorum. It was very near the same with our game back-gammon. Salmasius has a most curious dissertation upon is subject in his notes upon Vopiscus.

move, while he was going into the country, by calling to mind the whole order of the game, he discovered the move that had lost it; and coming back to the person with whom he had played, the latter acknowledged all he said to be true. Nor will order be of less assistance to us in an oration than it was to him in a game, especially since in an oration the order is of our own making. Whereas the order that directed Sævola depended upon chance, and he could only play in his turn. A composition, when rightly digested, leads the memory in its progress. For as it is more easy to get verse than prose by heart, so it is more easy to get by heart prose that is regularly digested, than when it is loose and unconnected. Through regularity we are enabled punctually to repeat, without losing a word, a discourse that seems to have been pronounced extempore. Nay, my memory, indifferent as it was, was always able to repeat over again the same words of a declamation, if at any time it was interrupted by the coming in of any person of distinction, to whom I was obliged to pay my compliments. That I speak nothing but the truth, can be witnessed by many living evidences.

Were I, however, to be asked what is the great and sovereign assistant of the memory, I would answer, practice and application, great study, and if possible, daily meditation, can do more than any thing else. Nothing is more improveable by care; nothing is so apt to be spoiled through carefulness. For this reason, as I have already observed, boys should be taught, as soon as possible, to get a variety of things by heart. And whoever, at any time of life, shall studiously endeavour to improve his memory, he must get the better of that exercise which at first is so tiresome and laborious, I mean that of conning it over and over, and as it were, chewing

chewing the same meat again. But even this toil becomes more tolerable, if we begin by getting by heart only a few things, and those not tiresome in their nature. Then let us every day add a line or two to the number of those we had got by heart the day before. And thus the toil increasing gradually, but imperceptibly, we shall, at last, be able to master the longest discourses. Let us, however, first begin with the poets, then proceed to the orators, and last of all go to loose compositions, or such as are most distant from the common practice of speaking, such as the language of the common law. For the more laborious our exercises are, the nearer we are in succeeding to what we propose by them. Thus, wrestlers and boxers accustom themselves to carry leaden weights in their hands, though, when they fight, they make use only of their bare fists.

Here I must observe, daily experience teaches us, that when a man is slow of apprehension, his mind is the less tenacious of the last ideas imprinted upon it. It is strange, and scarcely to be accounted for, how much the intervention of a night confirms those ideas; whether it is that the mind thereby gets a little rest and is relieved from the fatigue of immediate attention, which weakens the memory, and becomes thereby more mature and confirmed, or whether recollection is not her capital property. It is, however, certain that such a man will next day have a lively idea of that which he forgets almost as soon as it is told him: and that time, which is usually the cause of forgetfulness, frequently invigorates the memory.

On the contrary, a man of very quick apprehension may be apt soon to forget; and his mind having performed its immediate business, reserves little for what is to come, and, as it were, unbends her powers. For this reason, in a mind whose powers are

order in which they ought to stand. B
this, no universal rule can be laid dow
memory will serve me, and if I am not
in point of time, I should be unwillin
single syllable of what I have wrote,
would be needless for me to write at a
fore ought to be our chief business, fr
hood, to bring our memory by practice
bit, as not to pardon ourselves for the le
It is, therefore, a wrong custom to make
ters, or to be always consulting our pa
conveniencies give us a habit of neg
every one will think himself sufficiently
is not afraid of losing any thing. T
break the force of action, and create st
qualities in the delivery; for a man
speaks as if he was getting by heart
loses every grace of correct compositio
pronounces it in such a manner as she
been composed before hand.

Another advantage of a ready mem
does honour to the quickness of a ge
the public thinks, that what we say
premeditated, but is spoken off hand;
vast service both to the orator and h
the one is more admired and the o

ains in connecting and arranging what he says, de-
vers it in an unstudied manner; and when he
:ems, though ever so well prepared to study, as it
ere, to be diffident of what he is saying. Upon
ıe whole, therefore, there can be no doubt, that
ır best way is to get exactly by heart, what we are
› deliver.

But if a speaker's memory is naturally treacherous,
· if he has too little time for study, it will do him
isservice to attempt to get every word by heart;
ecause forgetting a single word will occasion in him
very disagreeable stammering, or oblige him to be
uite silent. It is therefore much safer for such a
ne to make himself master of the subject, by di-
esting it in his mind, and to deliver it in the best
anner he can. For a man who has once got a fa-
ourite expression which he has written down by
eart, is very unwilling to loose it, and while he is
earching after it, it is difficult for him to substitute
ı its place another equally good. But even preme-
itation does no great service to a weak memory,
nless the orator has accustomed himself to speak ex-
mpore. But if his memory is weak, and if he has not
een accustomed to speak extempore, and, if at the
ıme time he is a man of some letters, my advice to
im is, to throw up the business of the bar, and en-
rely apply himself to writing. But we seldom
neet with a man so signally unfortunate.

To conclude: Themistocles is an instance what
rodigious things memory can do, when seconded
y natural and acquired talents; for he, in one year,
earned to speak with propriety the Persian language.
Mithridates knew the several languages of all the
wo and twenty nations he governed. Crassus the
ich, when he commanded in Asia, was so much
naster of the five dialects of the Greek tongue,
hat he gave sentence in the very language in
which

which each cause was brought before him; and we are credibly informed that Lyrus knew the name of every soldier in his army. Theodectus, we are told, was able to repeat a vast number of verses, after once hearing them. I have heard of some in our days who could do the same; but it was never my chance to hear them. We ought, however, to believe it, were it for no other reason, than that thereby we may be encouraged to aim at the same excellency.

CHAP. III.

CONCERNING THE BEST MANNER OF DELIVERING A PLEADING, OR DISCOURSE.

THIS is sometimes called pronunciation, and sometimes action. The former term seems applicable to the voice, the latter to the person. For Cicero sometimes says that action is a discourse, and sometimes that it is a certain eloquence of the body. He assigns to it two parts (the same as to pronunciation), voice and motion. We may therefore use both terms indifferently. Its properties give wonderful force and efficacy to all pleadings. To premeditate a set of sentiments and words, is of less consequence than the manner of their being delivered, because they make an impression upon the hearer, in proportion as he understands them. For this reason, when an orator lays down, even a proof, be it ever so strong, it may lose of its weight, unless it is supported by a firm, positive pronunciation. All the passions about us must languish, unless they are kept alive by the glow of voice, look, and action. For, almost every part of an orator ought to speak. Even in that case, happy are we, if

f the judge is warmed by our heat; how then can ve suppose he ever can be touched with a lifeless, piritless manner; or that he will not nod, when we egin to yawn?

To prove of what great service action is, I need ut appeal to the success of good players, who give uch graces to the best dramatic performances, that re see them with a pleasure double to that with hich we read them. Nay, the most wretched erformances, under their management, command ttention; and we see, upon the theatre, plays hich we would not admit into our library. If then ubjects, which we know to be purely fictitious, cquire such power by action, that they make us sent, fear, and weep, how much power must ac- on have when employed on subjects which we now to be real? For my own part, I will venture say, that even an indifferent pleading when en- rced by the powers of action, will have more suc- ess than the very best composition, if destitute of at recommendation. It is well known that De- osthenes, being asked what is the first, second, nd third property of a pleader, answered to all, ction. By which they who asked him plainly saw, hat he did not consider it as the chief, but the only roperty of pleading. For this reason, he himself tudied action long and intensely under Andronicus, he player; so that when the Rhodians were ad- iring his pleading for Ctesiphon, What would you ave said (answered Æschines, who had read it to hem) if you had heard him deliver it?

Cicero too says, that action is decisive in elo- quence. He tells us, that Lentulus was more famous for that than for his eloquence; and that by the force of action, Caius Gracchus, when he mentioned his brother's death, drew tears from all the people of Rome. He celebrates likewise the vast success of

Antony

Antony and Crassus, and above all of Quintus Hortensius, through the force of their action. I am inclined to believe this of the latter, the rather, because his compositions do not at all answer the reputation of a man who was long at the head of eloquence at Rome; for some time was the rival of Cicero, and was never accounted to be inferior to any but him. From this circumstance, I say, we must think a great deal of his merit lay in his action, because we cannot find it in his works. Now, it being undoubted that there is much force in well-chosen expressions, that the voice gives great energy, and that air and action have vast powers, what finished excellency must all these united produce!

Some, however, think that the artless manner and the natural impetuosity of a speaker is stronger, and the only action that is worthy of a man. But they who are of that opinion, are generally such as condemn all correctness, art, brilliancy, or care in what we say, as being affected and unnatural; or else they are such as affect a broadness and rusticity of expression, as Cicero tells us Lucius Cotta did, in imitation of antiquity. But I leave all those opinions to those who think that nature is sufficient to form an orator. They must, however, give me leave to think that nothing can be perfect, but where nature is assisted by art; I shall therefore proceed in my own way, after candidly acknowledging that nature is far more effectual than art in forming an orator.

For the man whose memory does not serve him to retain what he writes, or who has no extemporary powers of speaking when he is called upon, never can speak properly. I say the same of those who have incurable defects of voice, or a personal ungracefulness and awkwardness, which no art can amend. Even the voice requires to be sweet as well

as

is strong in a finished orator. When it is both, we command it as we please, but we are under great disadvantages when it is harsh and weak, for we cannot then give it emphasis and exertion; we are forced to speak in a humble or a squeaking tone, and to relieve our hoarse throat and fatigued lungs, by sinking into downright whining. But I suppose the orator I am now forming, to have no natural defect, which can render my rules useless to him.

Now all action, as I have already observed, consists of two things, voice and gesture; the first of which affects the ears, and the latter the eyes; the two senses through which the mind receives all her emotions. I shall first speak of the voice, and the rather, because all action ought to be accommodated to the gesture. First, then, you are to consider what kind of voice you have; and next, how you are to manage it. Now the nature of a voice is known by quantity and quality: as to the first, it is enough to say, it is either strong or weak. But between those two extremes, there are many intermediate degrees from the highest to the lowest, and from the lowest to the highest. Quality is more various. For a voice may be clear or hoarse, full or slender, smooth or sharp, stammering or flowing, hard or flexible, shrill or austere. The breath too may be longer or shorter.

It is foreign to my present purpose for me to shew the reasons of all this; whether it lies in the difference of the organs which receive the air that forms the voice, or in the tubes through which it passes; or whether it lies in the peculiarity of its own nature, or in the motion it receives; or whether the difference is not greatly occasioned by the strength or weakness of the lungs and head; for all these have a share in forming the voice; nay, the construction of the nostrils, through which part of the voice passes,

as

as well as the mouth, renders it sweeter or harsher. Upon the whole, however, a voice ought to be tuneable, and not peevish.

The voice is managed in a great many different ways; for besides the threefold division of sharp, grave, and mixt, we make use of strong and slow, swift and gentle notes, and long or quick measures. But of these there are a great number of intermediate degrees and differences. As faces, though consisting but of a few parts, have infinite differences between one another; so the voice, though it has but few specific properties, is different in every man; and this difference is as sensible to the ear, as the difference of faces is to the eye. The good qualities of a voice, like all other natural properties, are greatly improved by care, and injured by neglect. But an orator's care of his voice ought to be different from that of a music-master, though many circumstances in both are alike, such as strength of body to keep our voice from dwindling into the squeaking of an eunuch, a woman, or a sick person; walking, bathing, temperance and abstinence both in eating and drinking, are of great service to every voice. Besides, our windpipe ought to be whole, sound and clear, because any blemish in that renders the voice broken, harsh, sharp, and shrill. For as a flute, with the same degree of wind, when the stops are shut or open, foul or shaken, has different sounds, so the windpipe, if inflamed, strangles; if foul, stifles; if rough, cuts; if crooked, breaks the voice; as a flaw in a pipe does the sound of an organ. The voice is cracked likewise when it meets with any obstruction, as we see a small stream of water, when it meets a stone, interrupted in its course and makes a small division, till it re-unites after it passes the obstruction. Too much moisture in the mouth, or too much dryness, are equally prejudicial to the

voice.

voice. The first renders it stuttering, and the latter pping. All over-fatigue hurts the voice, because it disorders the body, even after it is over.

But though the voice of an orator, as well as of a music-master, like every thing else, is improved by practice, yet they are not tied down to the same regimen. For an orator, with a deal of business upon his hands, cannot afford set times for walking and breathing himself, nor for tuning his voice from the lowest to the highest pitch; he has no such leisure hours, nor is he at liberty to set aside the causes he must plead at the bar. Neither ought their diet to be the same. The food that renders a voice soft and effeminate, will not make it strong and durable. Music-masters tune their instruments by their voices, even to the highest note. But orators are obliged to speak often with violence and spirit; we must watch whole nights, we must imbibe the steams of the lamp by which we study, and often have not leisure to shift our cloaths, though they are drenched in our own sweat. Let us not therefore pamper ourselves so as to contract an effeminancy of voice, or a habit which we shall be obliged to shake off. Let us exercise it in the proper manner; let it not wear low through disuse, but improve by practice; and then we shall be able to master every difficulty.

The best method I can recommend for this purpose is, to get by heart certain passages which contain great variety, and require vast exertion in disputing, talking and softening; for when a man speaks extempore, he should never be at a loss for the proper tone of voice with which he is to begin and proceed; but be ready to speak in any note. This is the more necessary, because when the voice is always kept neat and delicate, it cannot exert itself, but in the manner it is used to; as we see wrestlers, whose

whose bodies are sleek with gymnastic oil, and to the eye are personable and robust in their own business, yet were they to undergo the military fatigues of making long marches, carrying gabions, and relieving posts, they would soon droop, and wish again for their anointings and rubbings.

Would it not be absurd and ridiculous to recommend to an orator, that he ought to avoid all heat and cold, and never to stir abroad in moist or dry weather? Was he to observe such precautions, he must abandon his clients every day that is hot or cold, cloudy or blowing. As to the other precautions which some recommend, that a man ought not to plead immediately after a hearty meal, or taking a free glass, or making a large evacuation by vomit; no man, I think in his senses, needs to be put in mind of all this. There is indeed a very just and a very reasonable precaution to be observed, that the voice is to be very carefully managed to the age of fifteen or sixteen, or perhaps longer, because that is a very critical time, and the whole system of the animal economy then undergoes an alteration.* But to return to my subject.

When the voice is formed and confirmed, the exercise I recommend to it ought to be such as most nearly resembles its real business; I mean of speaking, as we plead every day. By this means not only our voice and our lungs will be strengthened, but we shall be formed to all the graceful attitudes and gestures that become an orator. The truth is, we should speak in the very manner we plead; and as the latter requires correctness, perspicuity, ornament, and propriety, so our voice should have all those properties. It will be correct, if we pronounce

* There is somewhat here in the original which I have not thought proper to translate.

with

with ease, with freedom, with sweetness, and politeness: by politeness I mean, that our pronunciation should have nothing in it uncouth or foreign. For a barbarous or Greek pronunciation deserves to be blamed, and a man by his accent is known, as money is by its clink. The manner I here recommend is what Ennius praised in Cethegus, when he called him the well-toned, harmonious speaker; a character which is the reverse of what Cicero found fault with in some orators of his time, who, he said, did not plead, but bark at the bar. I have already mentioned several other faults in pronunciation in my first book, when I treated about forming the language of boys; for I was of opinion that it was most natural to treat of it while I was upon age, wherein it is most easily amended.

The first property of a voice is soundness; by which I mean, that it should be free from the faults I have taken notice of. The second is, that it be neither low nor rough, nor frightful nor harsh, nor squeaking nor soft; nor effeminate. The third, that the breathing be free and easy, and the wind at least tolerably long.

A pronunciation will be perspicuous and clear by speaking words full out, without mumbling or suppressing part; it being a common practice to sink the last syllable or two of a word, and to rest entirely upon the first. But the necessity of speaking distinctly does not at all imply that we are to drawl out, and, as it were, syllable every word, for that is both troublesome and tiresome. Besides it often happens that a vowel should be sunk, and sometimes the sound of a consonant is altered* by the sound of a following vowel. The collision of harsh vowels is likewise to be avoided; all this I have given examples of, and handled in other places. Ca-

* For example, Multum ille, &c.—Terris—Polexit—Collegit.

tulus

dispensible in an orator; for without it all other beauties must be lost.

A pronunciation is ornamented when it is supported by an easy, full, happy, harmonious, deep, clear, and well-toned voice, which, after cutting the air, leaves an impression upon the ear. For some voices are fitted for the ear, not by their strength, but by their harmony, and, as it were, their smoothness. They are, if I may say so, self-instinct with sound; they speak in every tone, and, like a well-tuned instrument, they can rise and fall to any note. To such a voice no property is wanting, if attended with strong lungs, freedom, and length of wind, with perseverence, under the most vigorous exertion. A very heavy or a very shrill tone of voice may do for singing, but neither can for speaking. For the former being very full, but not very distinct, never can make any impression upon the mind, while the latter being too sharp, and excessively clear, is both unnatural and untractable; because it does not ply to the pronunciation, nor can it be exerted for any considerable time; for a voice is like a stringed instrument, the more lax the strings are, the more grave and full is the sound of the instrument, and the more they are wound up, the sound is the more sharp and shrill. Thus the former wants force, the latter is in danger of being cracked. We ought therefore to make use of middling notes, which may be heightened, when we want to exert ourselves, and lowered, when we intend to speak gently.

Above all things we ought to consult the smoothness of pronunciation, because it must halt and hobble, if its measures and tones are unequal by mixing the long with the short, the grave with the sharp, and the high with the low. By this jumble, I say, of ill-paired feet, our delivery becomes lame and crippled. In the next place, we are to observe

variety,

tulus was famous for accenting his letters sweetly and harmoniously.

In the next place, what we speak ought to be well marked; by which I mean that the speaker should begin and end precisely where he ought, and observe exactly all the stops and points, by which the sense is either to be suspended or finished. For example, arms, and the man I sing, here the voice is to suspend the sense, because the man is to be connected with what comes after; who forced by fate, here another suspense follows; nor are we to finish the sense till the hero, as in the third line of the original, is landed upon the Latin shore, and then a new matter succeeds. But even at full stops we are to breathe a longer or a shorter time, according to the sense. For there is a great difference between finishing a sentiment or a sentence, and finishing a topic. Thus in the passage before me, I do not stop so long when I land Æneas on the Latin shore, as I do when I make him the founder of the Latin race, and the lofty towers of Rome, here I recover my voice, I pause a little, and proceed, as it were, to another subject.

Sometimes it is proper to stop without drawing breath, as for example, "But in a full assembly of the Roman people, vested with a public character, the general of the horse," and so forth, to the end of the period, which consists of many members. Now each member contains a sense which requires a small pause, but we are not to take a full breath, till we finish the sweep of the whole period. On the contrary, we are sometimes to draw our breath, but without being perceived, and, as it were by stealth, for if we do not use great management in concealing it, we may create as much confusion as if we observed a wrong stop. The observation of stops, however inconsiderable it may appear, is indispensible

dispensible in an orator; for without it all other beauties must be lost.

A pronunciation is ornamented when it is supported by an easy, full, happy, harmonious, deep, clear, and well-toned voice, which, after cutting the air, leaves an impression upon the ear. For some voices are fitted for the ear, not by their strength, but by their harmony, and, as it were, their smoothness. They are, if I may say so, self-instinct with sound; they speak in every tone, and, like a well-tuned instrument, they can rise and fall to any note. To such a voice no property is wanting, if attended with strong lungs, freedom, and length of wind, with perseverence, under the most vigorous exertion. A very heavy or a very shrill tone of voice may do for singing, but neither can for speaking. For the former being very full, but not very distinct, never can make any impression upon the mind, while the latter being too sharp, and excessively clear, is both unnatural and untractable; because it does not ply to the pronunciation, nor can it be exerted for any considerable time; for a voice is like a stringed instrument, the more lax the strings are, the more grave and full is the sound of the instrument, and the more they are wound up, the sound is the more sharp and shrill. Thus the former wants force, the latter is in danger of being cracked. We ought therefore to make use of middling notes, which may be heightened, when we want to exert ourselves, and lowered, when we intend to speak gently.

Above all things we ought to consult the smoothness of pronunciation, because it must halt and hobble, if its measures and tones are unequal by mixing the long with the short, the grave with the sharp, and the high with the low. By this jumble, I say, of ill-paired feet, our delivery becomes lame and crippled. In the next place, we are to observe

variety,

site to this, is that of speaking too slow; for that discovers a want of invention, and makes the hearer yawn; and the time alloted us is often elapsed before we have gone half through, when we are obliged to speak by the hour-glass.

Our delivery ought to be quick without precipitation, and gentle without dulness. As to recovering our breath, it should not be so frequent as to break or interrupt a sentiment, nor ought we to delay it so long as to endanger its failing us. The last gives us a very disagreeable manner, by making us puff and pant, like a man who is just emerged, after being under water; it is long before we recover ourselves; we have no command of wind, and we make stops, not when we please, but when we are forced. A man, therefore, when he has a long period to deliver, ought to manage his wind, but without any tedious, noisy, preparation, so as to be discovered. In other parts of his pleading, he will have frequent proper opportunities of recovering his breath at the joining of his sentences.

We ought, however, to get as great a command of wind as possible. For this purpose, we are told that Demosthenes, walking up a hill, repeated as many verses as he could at one breath. He likewise used to put little stones into his mouth, where he worked them about while he was speaking, that he might thereby pronounce his words with the greater ease and freedom.

The respiration is sometimes sufficiently long, full and clear, but weak and tremulous, when it comes to be exerted, like bodies that to all appearance are sound and in good health, but can scarce support themselves on their legs, through the weakness of their nerves. Others have a very disagreeable way of hissing and whistling through the loss of teeth. While others pant and puff, and blow inwardly, but

so

it may be thought mean to betray any symptoms of cowardice, or to be unable to support my pleading with a dignity of courage, equal to that of Titus Annius Milo, who is less concerned about his own fate, than that of his country; yet am I dismayed with this unusual pomp of justice, this unprecedented array of terror: my eyes, in vain, on all sides, search for the venerable forms and antient appearances of the forum; your bench is environed with attendants, and the bar with guards, hitherto unknown at a Roman trial."

Here the outset, as all outsets (especially in such a case as this) ought to be, is full of modesty and diffidence. But he soon recovers himself, when he comes to speak of Milo, by saying, " he is less concerned about his own fate, than that of his country." He then, though in the same period, alters his tone into reproach, by mentioning, " the unusual pomp of justice, and the unprecedented array of terror." Immediately after, as if he had quite recovered his spirits, " My eyes, says he, in vain, on all sides search for the venerable forms and antient appearances of the forum." Then what follows is free and diffused, " Your bench is environed with attendants, and the bar with guards, hitherto unknown at a Roman trial." This I have brought as an instance, that not only sentences but syllables, ought to be differently articulated; otherwise every sentence will have the same effect.

The voice, however, ought not to be overstrained. For then it is apt, as it were, to suffocate itself, and to lose its clearness by too violent an exertion. Sometimes it degenerates into a squeaking or a cackling. Neither ought we to confound what we say, by too great a volubility of tongue, which destroys all stops, stifles all sentiment, and sometimes curtails words of whole syllables. The fault oppo-

site

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so

so as to be plainly heard, like cattle labouring hard in a team. And some even affect this manner, as if they had such a redundancy of matter within themselves, that they are unable to give it vent, and that it was too unweildy for the organs of their speech.

Others have a sort of convulsions in their mouth, and struggle with their words, which seem to choak them. Sometimes they fall a coughing and sputtering, bringing up large quantities of defluxion, bedewing all about them with the moisture of their mouth, and making the greatest use of their respiration through their nose, which makes them rather snuffle their words than speak them. All these are not, indeed, faults of the pronunciation, but as they are occasioned by speaking chiefly, I thought proper to mention them here.

Yet those blemishes, bad as they are, are, I think, less intolerable than the fashion that now prevails in schools and courts of justice, I mean that of singing a pleading, a practice equally absurd and indecent. For what is more inconsistent with the character of an orator, than to speak as if he was tuning his voice for the stage; and sometimes as if he was singing a catch at a merry meeting? What can be more the reverse of moving the passions, than that, when we feel pain, resentment, indignation, or compassion, we should not only abandon all those affections, while we ought to raise them in the judge, but even pollute the sanctity of the forum, by that low ribbald manner, which Cicero says, came from the most despicable nations, and began to infect the bar, even in his time.

But, in our days, we do not confine ourselves to the more decent part of singing, but run into excess. When an orator is pleading, I will not say upon a case of murder, sacrilege or parricide, but

workings of the mind. Nay, even brute beasts, who are void of speech, express anger, joy, and love, in their eyes, and by certain movements of their bodies. It is easy to be accounted for, why such silent intimations, especially as they are attended by a degree of emotion, should make such an impression upon the mind, when we consider, that painting, though motionless as well as silent, sometimes affects us so deeply, that it is even more powerful than words.

On the other hand, where our gesture and words differ, when we talk in a merry mood of melancholy things, when we consent with a forbidding air, what we say is not only disregarded but disbelieved. True grace in speaking is the result of gesture and movement. For this reason the great Demosthenes, the better to form his action, used to plead before a large mirror. For though mirrors perhaps do not always reflect the truest images, yet he was resolved to judge, as well as he could, from what he saw himself.

The head, which is the principal part of the body, is the principal object in action; and its position when easy and natural, contributes in the greatest measure to that gracefulness I am recommending. For, when it droops, it gives a speaker an air of meanness; when bolt upright of arrogance; when lolling of negligence; and when stiff and motionless of rusticity, nay, barbarity. It ought likewise to conform its motions to the pronunciation, to agree with the gesture, and fall in with every action of the hand and body. The look too, ought always to have the same direction as the gesture, excepting when we want to express abhorrence, dislike, and aversion, which we do, by making the eyes and the hands to have a counter action; for example, in speaking the following line;

Ye

but the passions of the mind, and is affected by all her disorders and changes.

As a proof of this, when we are all joy, the voice is full, plain, and chearful; while we dispute, it is fierce and loud, and braced, as it were, with all its powers. Anger renders it dreadful, shrill, and thick, and quickens all the respiration. For it is impossible for a man's wind to continue long when he is at such expence of it every instant. When we want to stir up hatred or envy, the voice is somewhat more gentle, because they are generally employed by inferiors, or those who have the worst of a cause; but when we soothe, acknowledge, apologize, and intreat, the voice is then soft and submissive. In matters of persuading, advising, promising, and comforting, it is grave. Where there is a check of fear and modesty it is faultering. In encouraging it is vigorous; in disputing firm; in commiserating humble and mournful; and then it even purposely disguises some of its powers. In excursions it is flowing and negligently clear. In explaining and discoursing it is plain, and equally partakes of the grave and the acute. Upon the whole, therefore, it rises and sinks with our passions, and always in proportion to the nature of the thing which affects them. I shall hereafter explain how we are to suit our manner to the place where we speak; but I must first touch upon gesture, which, as well as the voice, is influenced and directed by the mind.

The great consequence of a proper gesture in a speaker appears from this, that it generally has more meaning than the voice itself. For, not only our hand, but our very nod is expressive of our sentiments: nay, mutes themselves converse by their gestures. A common salute, even before the party speaks a single word, gives an intimation of his disposition, and we know by the face and the walk, the workings

sometimes peevish, and sometimes good-humoured, is fitted with a mask, in which one eye is staring, and the other mild. And this management is extremely well kept up on our stage, where there is always a conformity between the mask * and the character.

But the eye is chiefly concerned in giving to the features their several characters. Through them the soul is discerned, and they are expressive, even without motion, both of joy and grief, by a brisk or cloudy look; nay, tears themselves are but ambiguous indications of the mind, for they flow through joy, as well as burst out from grief. We need however, but to move the eyes, and we shall express spirit, carelessness, pride, sternness, mildness or anger, according to the characters we are to assume. Sometimes too we may have occasion to render them fixed and distended, languid and listless; or expressive of wonder, wantonness, and inconstancy; sometimes swimming, as it were, in pleasure, lascivious and amorous; sometimes full of wishes, sometimes of promises. But an orator must be very stupid and dull indeed, if he must be cautioned never to keep them either always shut, or always staring, while he is speaking.

But in all those expressions, the eyelids, and the muscles of the cheeks must be properly subservient to the eyes; and the right management of the eyebrows too is of great significancy, because in some measure they form the look, and influence the whole forehead, by contracting, raising, or lowering it, so that upon the whole they have very great force in action. As to the blood, which is put in motion by the sentiments of the mind, and mantles over

* The whole of this passage about masks, must, as I have already observed in these notes, appear very ridiculous to an English reader, and gives us no high idea of the Roman stage.

the

the bashful, modest features, it settles into a blush under dread and fear; it disappears, vanishes, and cools into paleness; and when it is properly tempered, it produces a beautiful serenity. The eyebrows are wrong disposed, if they have either too much motion, or none at all, or, if as I observed just now of the mask, they start into an inequality, or if they seem to contradict what we are saying. When contracted they are expressive of anger; when cast down of sorrow; when open of joy. There is likewise a way of making them rise and fall so as to express assent or dissent. The action of the nose and the lips can seldom be gracefully employed; all it serves for is to mark derision, contempt, or disdain. For to shrivel up the nose (which is an expression of Horace), to distend it, to work it about, to be always picking it, or snorting, or snuffling, or stroaking it up and down with your hand, have a very bad effect, nay, we ought to avoid as much as possible the blowing it too often. It is ungraceful to thrust out the lips or to suck them; to grin, to gape, to pout, to show the teeth, to screw the mouth up to one ear, to shut it with disdain and despite, and to speak only out of one part of it. It is likewise indecent to be always licking and biting the lips; nay, we ought to give them as little motion as we can, even while we are speaking.

The neck ought not to be awry, but straight, though not stiff. It is equally ungraceful, either when it is extended or sunk too much. The former is generally attended with a painful, squeaking, weak pronunciation, and when the chin sinks upon the breast the voice is less distinct, and is too broad by being squeezed, as it were, through the narrowness of the throat. We ought seldom to shrug or contract the shoulders; for that shortens the neck,

and gives the speaker a mean, servile, and designing air; and indeed it is never done, but in cases of adulation, admiration, or fear.

A proper extension of the arm, while the shoulders are in an easy posture, with the hand open as it is stretched forth, is extremely graceful, when what we speak requires to be flowing or rapid. But when we are to express somewhat that is more gay, and more delightful, as rocks and deserts are respondent to the voice; then the whole person is to be thrown out, and the freedom of the gesture is to rise with that of the style.

As to the hands, all action without them must be weak and crippled. Their expressions are almost as various as those of language, and therefore it is impossible to recount how many motions they ought to have. For other parts of the body assist the speaker, but these, if I may so say, speak themselves. Do they not demand, promise, call, dismiss, threaten, implore, detest, fear, question, and deny? Do we not, by the hands, express joy, sorrow, doubt, acknowledgment, repentance, moderation, abundance, number, and time? Do they not rouse up, remonstrate, prohibit, prove, admire, and abash? In describing things and persons, do they not, as it were, supply the place of adverbs and pronouns? Nay, all people, all nations, and all mankind, however different their tongues may be, speak and understand the language of the hand?

Now, as I observed of other gestures, those of the hand ought chiefly to be directed by the words; but some natural gestures serve for imitation only: for instance, by feeling our pulse, we express a sick man; by shaking our fingers, as if we were playing on an instrument, we express a musician. All this manner is to be carefully avoided in pleading. There

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ought to be a wide difference between an orator and a mimic; for an orator's gesture should be adapted more to his sentiments than his words; and even actors of reputation follow that manner. I am not against an orator pointing with his hand to himself, or to another, while he is speaking of himself, or another; with several other freedoms of that kind. Yet we are not to tell whole stories with our hands, or make our fingers accompany all we say.

This rule ought to take place in all our gestures and expressions, as well as in those of the hands; for were an orator to speak the following period, "Upon the shore stood the Roman prætor, dressed in rich buskins, a purple cloak thrown across his shoulders above, a flowing robe that swept the ground, leaning on, and toying with an ordinary little wench."—he is not, I say, to throw himself into a lolling, indolent attitude, as if he was leaning upon the little whore. Or were he to speak of the Roman citizen, whom Verres ordered to be whipped at Messana, he is not to wriggle, to shrink, and to shriek, as if he actually felt the smart of the lash. For this reason, I cannot endure those players, who though they are acting a youthful character, yet having occasion to mention what was said by an old man, as in the prologue to the Water Pitcher,* or of a woman, as happens in the Husbandman, affect, in the former, a tremulous, and, in the latter, an effeminate pronunciation. Thus even they whose whole business it is to imitate, may be led into a false taste of imitation.

The most common gesture of the hand that I know, is when the thumb and middle finger are joined, and the other three fingers extended. This

* These were two comedies of Menander, translated into Latin. Our author here seems to be rather more severe than Cicero on this occasion. See de Oratore, l. 2. c. 59.

gesture

gesture is very proper when we enter upon a pleading, and attend it with a genteel sway of the body to both sides, while our head and attitude of the shoulders seem to second the expression of the hand. In narratives, this gesture may be managed so as to become positive and affirmative; and in reproaching and reasoning, spirited and eager. For, in such cases, it is exerted with more boldness and freedom. But this gesture becomes improper when it is applied towards the left shoulder, or points to one side; and it is still worse in those who advance their arm across their mouth, and seem to speak from their elbow.

When we hold under the thumb, the two fingers that are next to it, the gesture becomes more earnest, and is improper for an introduction or a narrative; but when we double three fingers under our thumb, then the fore finger,* of which Cicero says, Crassus made an admirable use, is employed in demonstration. For it has its name from its being made use of to point out, and it is very expressive both in that, or in any reproachful passage; and when it is raised towards the shoulder and drops a little, it then affirms. When it is pointed straight, and with some violence to the ground, it expresses earnestness, or sometimes an emphatical number. And, by holding the uppermost joint of the fore finger of one hand, between the thumb and the fore finger of the other †, with three fingers inclining gradually towards the palm, it signifies argumentation.

When I figure to myself the attitude of Demos-

* Index.

† See the print of Raphael's School of Athens, where Socrates is in the very attitude here described. But as the original is both trifling and uncertain in what follows, I have, with M. Rollin, omitted part of it.

thenes,

thenes, in his modest, bashful outset of his pleading for Ctesiphon, I imagine his thumb and his three first fingers to be gently contracted, and his hand slowly swaying from his breast to his middle; and as he proceeds, his action becomes more quick, and his hands more expanded. In the same attitude I conceive Cicero to have spoken, when he introduced his pleading for Archias in the following graceful manner; "If, my lords, I have any capacity, which I am conscious is but slender."

The moving the thumb and the fore finger, when joined, to and from the mouth, is, I think, not at all ungraceful (though some dislike it), for it may be managed so as to express sometimes gentle admiration, sometimes sudden indignation, sometimes dread, and sometimes entreaty. By clenching the hand and smiting the breast, we imply repentance or passion; and it is not amiss, if we be heard softly to say, What will become of me? What shall I do? I think it is more common, than it is graceful, to make use of the thumb, while the rest of the fingers are clenched in demonstrating. Meanwhile, all circular motions, or those that have an extravagant sweep, are disagreeable.

The hand is very gracefully brought from the left to the right, where it may seem gently to rest; though sometimes in finishing a period, we drop it with more quickness, though we soon recover it. And sometimes it rises, as it were, with a rebound, when we are earnest either in denying or admiring. Here the antient professors of this art very properly enjoin, that the hand should begin and end with the sentiment or the period, otherwise the effect must be very disagreeable, by making the gesture precede the words, or continue after they are finished. But they refine too much when they prescribe the time required for speaking three words, to be the interval

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of each motion. For this is neither true nor practicable. It is very proper indeed to observe a medium between two much slowness and too much quickness, lest the hand should be too long unemployed, or, which happens frequently, lest a continued motion should break in upon and disorder the pleading.

There is another error in action which is still more frequent and more enticing: I mean, using certain gestures, as it were mechanically.* It is much better to regulate the gesture by the natural pauses in a period, for example, "New and unheard of is the charge;" here is a natural pause, then the motion is to be renewed, and so on through the whole pleading. But in passages which require to be pronounced with heat, the gesture must quicken with the expression. Some passages require a quick, others a pointed, pronunciation. We make use of the former, when we touch slightly upon a subject, when we accumulate, overflow, or hasten; and of the latter, when we urge, inculcate, and impress. The milder manner, however, is the most affecting. Roscius spoke quick, Æsopus slow, for the former acted chiefly in comedy, the other in tragedy; and their pronunciation regulated their gestures. For the same reason, in all plays, the movements of young gentlemen, old men, soldiers, and matrons, are composed and majestic: those of slaves, serving maids, parrasites and seamen, are more light and quickened.

The same masters enjoin a speaker not to raise his hand above his eyes, or to lower it below the stomach; and consequently condemn the raising it to the head, or dropping it to the length of the arm; but they suffer it to be applied to the shoulder, though not

* Some part of the original here is extremely trifling, and therefore omitted.

higher

higher, for then it would be ungraceful. But when to express aversion, we hastily move our hand to the left side, we are then to make a movement with that shoulder in order to keep in the same expression with the head, which ought to incline towards the right.

The left hand never is by itself sufficient to make a graceful expression. But it often assists the right, either by digesting our arguments on the ends of the fingers, or by expressing aversion by expanding both hands to the left, or by holding both up, or by throwing one on each side, or by joining them, either when we supplicate, or offer satisfaction. These gestures, however, are diversified, either by dropping the hands low or raising them in admiration, or by throwing them abroad in order to demonstrate or invoke. For instance, " Ye Alban mounts and groves ;" or in the speech of Gracchus mentioned by Cicero, " Wretch that I am, whither shall I retreat? Whither shall I turn me? To the capitol ? The capitol swims in my brother's blood. To my family ? There must I see a wretched, a mournful, and afflicted mother." On such occasions as I have mentioned, the hands, when joined, have the strongest expression ; they ought to have but little motion when the subject is inconsiderable, melancholy, or mild ; but thrown abroad, when it is great, joyful, or dreadful.

I am now to take notice of the mistaken management of the hands, which often is the case even with experienced pleaders. As to vulgar actions, those, for instance, of one who grasps at a bowl, or threatens a blow, or expressing the number of five hundred, by clenching the fist, though they have been taken notice of by certain writers, yet I have not seen them practised by even the most awkward pleaders. But I have often seen pleaders who advance their hand so high, as to bare their whole side, while another seems

seems deprived of power, to move it out of his bosom; another thursts it out to its full length; another stretches it above his head, another lays so about him, that it is unsafe to stand within his reach; another describes a large sweep with his left hand: another, by throwing his hands about at random, strikes the person who is nearest him; or pushes about so with his elbows, as if he wanted to clear the bar. Some manage their hands with indolence and tremor, while others seem to saw the air. Some use their hands as if they had claws, by pawing with them; or moving them up and down. Others affect the attitude of the statues of the Pacifier, by inclining the head to the right shoulder, thrusting out the arm almost in a line with their ear, expanding the hand, and inverting the thumb; and this they call, speaking in a commanding posture.

Let me add to those, all who twirl their fingers whenever they think they have said somewhat that is smart and sentimental; or make signals with their hand of what they speak; or erect themselves upon their tiptoes as often as they speak any thing they are pleased with; though this last manner is sometimes allowable. But it becomes a blemish when it is attended by thrusting up their fingers into the air, or holding up one, or both, hands, as if they were supporting a weight.

To these let me add, that ungracefulness that does not arise from nature, but from disorder and confusion. For example, when one frets at not readily pronouncing a word, at a slip of the memory, or when their presence of mind fails them. Another hems and coughs as if somewhat stuck in his windpipe; another wipes his nose in a slovenly manner; another walks about so fast, that he seems to leave his words behind him; while another stops short all at once, and, as it were, courts applause

from

from the hearers, with a thousand other absurdities; for every speaker has his failures of action. But above all things, a speaker never ought to thrust his breast and belly too far forward, because it makes his hinder parts jet out, which is an indecent posture.

The motion of the sides ought to correspond with the gesture, for there is a correspondence to be observed through all parts of the body; nay, Cicero says, that there is more in that than even in the management of the hands. "Let an orator (says he in his speaker) avoid all slight of fingers, or keeping time to his words with his hands; let him address himself by a graceful sway of his whole body, and a manly flexibility of posture.

An orator who wants to express indignation, or to rouse his audience, may with a very becoming grace strike his thigh; a practice which is said to have been first introduced into Athens by Cleon. In this, Cicero thinks that Calidius was defective. "He was (says he in his Brutus) a spiritless orator; he never struck either his forehead or his thigh, nay, (which is the least emotion an orator can show), he never so much as stamped with his foot." I, however, ask leave to differ with my great master as to the striking of the forehead; for to clap the hands, or to smite even the breast, is too theatrical in an orator. It seldom too is becoming to point with the fingers to the breast, while the hand is held hollow, if we address ourselves in strains of encouragement, reproach, or pity; but if this ever should be proper, the speaker should never bare his breast, or put aside his robe. As to the feet, we are to observe how we fix and how we move them. To stand with the hand and foot of the same side, advanced, is an ungraceful attitude: we may however sometimes sink a little on the right foot, but then our chest ought to be erect;

erect; and after all, there is somewhat in this posture that is more fitted to a player than an orator. It is likewise ungraceful, when the left foot is advanced, to raise or stand upon the tiptoes of the right. All straddling is likewise indecent, and when attended with certain circumstances, is extremely so. If an orator starts from his place, his sally ought to be well timed, short, and neither excessive nor frequent. Some orators find a conveniency in walking, because it employs the time, in which they cannot be heard for the applauses that are given them. But Cicero disapproves of walking too frequently or too long.

Nothing can be more impertinent, than for an orator to be always tripping about, and as Domitius Afer said of Sura Manlius, to run after a cause, instead of pleading it. In like manner, Flavius Virginius, the rhetoric-professor, asked a rival professor, who had this custom, how many miles he had declaimed that day? It is a standing rule, while we are walking, never to turn our backs to the judges, but always to observe such an attitude, as to keep them in our front. This, however, is not always practicable in private trials; but there, the space for moving about is more contracted, so that if the orator should turn from the judges, it can be but for a moment.

We may however retire a little, without turning from them; but some are ridiculous enough to save this indecorum, by jumping backwards. Cicero approves of a well managed stamp of the foot, which he says, ought to take place in the beginning, or end of a dispute. To make a frequent practice of this, is mighty foolish, and the judge pays no regard to it. The shifting the feet, and swaying, as it were, from right to left, is likewise very disagreeable.

But an effeminate action is, of all others, to be avoided; like to that, which Cicero tells us, Tityus had,

had, to such a degree, that a dance was called after his name. Some, too, have a very disagreeable way of reeling hither and thither; a fault that was ridiculed in the elder Curio by Junius, who asked, what he was who spoke from the cock-boat. There was a good thing said by Sicinius upon a like occasion; for when Curio one day was tottering as usual, from side to side, Sicinius came up to his colleague Octavius, who was swaddled up and bedaubed with ointments for the gout; how much obliged are you, says he, Octavius, to your colleague; had he not served you for a fly-flap, the flies would certainly have eat you up by this time.

Some have a disagreeable way of shrugging up their shoulders. Demosthenes is said to have corrected this custom in himself, by standing while he pronounced in a narrow kind of pulpit, with the sharp point of a spear hanging down, and almost touching his shoulder; so that if a shrug happened to escape him, he was put in mind of it by the point of the spear.

An orator, in a public pleading, has a colourable pretext for walking; because, when several judges are upon the bench, he may address himself to each separately, in order to make them more masters of what he is saying. It is however intolerable to see an orator, as many do, throw the lappet of his gown over his shoulder, draw it down with his right hand, and tuck it in at his waist, and all the while employ his left hand in demonstrating, and talking to those about him. This is the more indecent, as we ought never to bare the left side, by bringing the gown too far round to the right. This leads me to speak of a most impertinent custom, which some have, while the noise of applauding them continues, of wispering some one in the ear, of joking with their companions, and sometimes looking back to their clerks,

with an air of self-satisfaction, as if bidding them be sure to mark those who were loudest in their applauses.

It is very allowable to incline a little towards the judge, when you want to inform him of a matter that is not quite so clear. But it is very shameful to lean upon the advocate for the other party. It shows too much affectation for a pleader to loll back, and lie, as it were, supported by the hands of his own clients, unless in case of necessity. A pleader, likewise, should never have occasion to be prompted too loudly, or to look too much into his papers. All such practices take off from the force of speaking, cool the attention, and make the judge think himself slighted. It is likewise disagreeable to see a pleader skip from bench to bench. Cassius Severus, with a good deal of humour, used to require such pleaders to be tied up in their stall. But I sometimes remark, that if such gentlemen set very briskly out, they return very heavily back.

I am sensible that a great deal of what I have said is useless to those who plead before a high tribunal, which requires a different manner. For there, as the seat is more elevated, the look must be more erect, in order to reach the judge; and many other particulars are to be observed, that must occur, without my pointing them out. I may make the same remark of those pleaders who speak sitting (as we generally do in trifling causes), for then there is no room for a spirited action, and it is necessarily subject to many imperfections, especially by our being obliged to sit on the left hand of the judge, by which it is impossible for us to observe the propriety of action in a direct line to the bench. To cure this, I have seen many pleaders rise up, as if to applaud themselves, when they had finished a period, and some of them even walk about; but such I think

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can scarcely be said to plead sitting, or even to plead with decency.

Let the orator I am now forming abhor to eat or drink while he is pleading; though that I know was formerly the custom with many, and still is with some. For if he cannot otherwise support the fatigue of pleading, it is no great matter if he never is to plead. And indeed he never ought, if he cannot do it, without debasing both himself and his profession. An orator has no peculiar habit; and yet he ought to be properly distinguished by his appearance. His dress, therefore, should be noble and manly, and such as becomes a person of rank. But he is to be blamed, if he is either too finical, or too careless about his robe, his shoes, or his hair. Time introduces some alteration in this respect. The antients had no plaits * on the bosom of their robes, and those who used them first wore them very narrow: they therefore had their arm confined, like the Greeks, within their robe; therefore it is reasonable to think they made use of an action very different from our's, But I am speaking of the present dress. An orator who has not a right to wear the laticlave, ought to take care the fore lappets of his robe reach below his knee, and the hinder to his leg; for to drop them lower belongs to women, and to tuck them higher to soldiers. It is easy to adjust the purple borders of the augusticlave; for to be too slovenly sometimes gives offence. They who wear the laticlave, wear it deeper than the robes that are gathered round us. I would, by all means, have an

* The original here will be best understood by the inspection of antient statues, where we see the large plaits of the gown fall upon the arm, and serve by way of sleeve. Though great part of what is here said is not applicable to English orators, yet I have translated it on account of the vast insight it gives us into the Roman manners.

orator

orator wear robes that are well cut out, and that sit genteelly on his person, otherwise he must make a very awkward figure*. A large fold towards the middle of the robe, which does not reach so low, at least, not lower than the border before, is very graceful. As to that part of the robe which is drawn from under the right shoulder across the left, and serves as a buckling, † it ought neither to be drawn too tight, nor to hang too loose. The lappet of the robe which we afterwards gather in our hand, should hang lower than the great fold, because thereby it is more becoming, and less cumbersome. Some part of the tunic likewise ought to be open before to give a freer play to the arm; then we may throw the great fold across the shoulder; and this is not unbecoming when it is done to its full length. The shoulders and the whole of the breast ought not to be quite covered, for that gives a scanty air to the dress, and loses that manly gracefulness there is in a broad chest. The left arm ought to form a kind of square with the body, and the robe should fall from it in equal folds. The fingers should not be loaded with rings, especially such rings as do not go over the middle joint. The best way of managing the hand is to hold it in an easy, careless posture; nor ought an orator to affect employing it too much in looking into his notes, for that implies a kind of diffidence in his memory, and embarrasses great part in his action.

Our forefathers wore their gowns as the Greeks do their cloaks, down to their heels. And this custom

* Somewhat here is both redundant and depraved in the original: Ferrarius, who has written better than any author upon the Roman habits, says he does not understand it; I therefore have not translated it.

† I have preserved this word, because the Romans actually called this part of their dress the umbo, or the buckler.

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was recommended by Plotius and Nigidius, two antient writers concerning the action of an orator. I am therefore surprised, that the second Pliny, a man of great learning, in a treatise of his, wherein he displays a scrupulous exactness upon this subject, should think that Cicero wore his robe so low in order to conceal his bandy legs, because we see the statues of them who lived since the time of Cicero, habited in that very fashion. Nothing but want of health can excuse an orator from wearing a short cloak over his robe, or a thick handkerchief round his neck, or a quilted night-cap to cover his ears, or bandages to wrap round his legs.

But all I have said upon dress, so far as it regards action, ought only to be understood to relate to the beginning of a pleading; for when we proceed a little way in speaking, the folds will of themselves drop from the shoulder; and when we come to argue and reason, then we may toss the gown from right to left, and adjust it as we think proper. It is then we are at liberty to pluck it from our breast and shoulders, for then we are too earnest to mind what we do, and as the voice gathers vehemence and variety, so the robe too bears its share in fighting the battle. Therefore, as the twisting the gown round the left arm, or binding it like a girdle round the body, denotes a degree of fury, and to be always tossing it across our right shoulder betokens effeminacy and delicacy, and as there are other gestures still worse, I see no reason why we ought not to keep the loose fold under the left arm, for I think that attitude gives the speaker an air of keenness and quickness, and, at the same time, it marks a noble emotion and a spirited action.

But when the pleading draws near its close, and when we have acquitted ourselves with success, then almost every gesture becomes us; even our

sweat,

sweat, our fatigue, our disordered dress, and our gown, however loose, and almost dropping from our back. I am therefore surprised, that the same Pliny should take it into his head to enjoin an orator to wipe the sweat from his brows with his handkerchief, but so carefully as not to discompose his hair. And in a following passage, he very properly, but very earnestly and severely, forbids him to take any pains in dressing his hair. For my own part, I think the hair when discomposed and disordered gives the speaker an air of emotion, which has an excellent effect, as if he was too much busied and concerned to mind such matters. But if the folds of an orator's gown should fall down just when he has begun to plead, it would discover either carelessness or laziness, or stupidity, should he neglect to re-adjust it.

Having now gone through and explained both the beauties and blemishes of action, the orator who has considered them all has great room for reflection. He is to consider in the first place, what he is to say, who are to be his judges, and who are to be his hearers. Now as one style of language is more proper for one cause or audience than another, we may say the same thing of action. For the action of our voice, hands, feet, and body, must differ according as we speak before a sovereign, a senate, a people, a judge, in a public or private trial, or in a friendly remonstrance. This difference may be easily understood by any man who seriously considers the subject upon which he is to speak, and the end he ought to aim at.

The subject requires four considerations. The first relates to the general complexion of a cause, whether it requires a melancholy, a gay, a careful, a careless, a grand, or a little manner; nor ought we ever to bestow so much pains upon any one part

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of it, as to make us lose sight of its general tendency. The second consideration regards the different parts of the pleading, I mean a just expression fitted throughout to the introduction, the narrative, the reasoning, and the winding up. The third regards sentiments, which in the delivery ought to be varied as circumstances and passions require. The fourth lies in single expressions; and here, as it is a blemish to attend each of them by an imitation of what we say, so many things will lose their force, unless they are explained by a proper action.

When we pronounce panegyrics (I do not mean funeral orations), a return of thanks, an exhortatory discourse, or the like, the action ought to be free, yet grand and sublime. It requires to be melancholy and submissive in funeral orations, in consolations, and generally, in pleading for an impeached party; before the senate we ought to preserve respect, before the people dignity, and in private causes moderation.

The several divisions of a pleading, the different and numerous sentiments and expressions to be employed in each, require a more thorough consideration. Action has three purposes; to conciliate, to persuade, and to move, and the natural result of all the three is delight. An orator conciliates a judge by the gentleness and purity of his manners, which are, as it were, seen, I know not how, in his speech and behaviour, or he succeeds by the mere charms of his eloquence. Persuasion is effected by a certain positive manner, which is sometimes stronger than proof itself. Said Cicero to Callidius, "were your charge true, would you enforce it so coldly?" And in another passage, "he was (says he) so far from inflaming our passions, that we scarce could keep ourselves from sleeping." An orator, therefore,

fore, ought to speak confidently and resolutely, especially if he has grounds for what he says. A judge or a hearer is moved by a just expression of the passions, and by the speaker either feeling or seeming to feel what he says.

When the judge in a private cause, or the crier of the court in a public, calls us up to speak, we ought to rise leisurely from our seat, and take some time in surveying, and if needful, adjusting our dress; both that it may appear more decent, and that we may gain some time to think upon what we are to say. But when we are to speak before the sovereign, before a great officer of state, or an awful tribunal, this is not allowable; but, upon all occasions the attention and regard paid by an orator to a court gives wonderful delight to the audience, and disposes the judge himself in his favour. Homer, in the example of Ulysses, recommends this manner; for he says, "that he fixed his eyes upon the ground without moving his sceptre," before he poured out that torrent of eloquence which followed. In this hesitation there are certain dilatory trifles, which, to speak in the language of the stage, are far from being ungraceful preparatives to action; such as stroaking down the face, looking at the fingers, making one hand pass over another, seeming to make an essay to speak, and sometimes betraying a visible concern about what we are to say, or whatever best suits the speaker, and which may continue till we see the attention of the judge fixed.

The posture of the speaker's body ought to be erect, his feet at a little distance, but upon the same line, or the left a very little advanced, and his knees in a straight, but not in a stiff posture. His shoulders ought to have an easy fall; his look should be serious, but neither melancholy, stupid, nor languid.

guid. His arms should be disengaged, and his left hand in the posture I have already described. As to his right hand, when he is about to speak, he should move it a little from his body, with a gentle sway, as if expecting when he is to begin. Some are absurd enough to toss their heads aloft, to rub their beard, and to put on a brazen face, by assuming an air of impudence; while others stroke their hair back, to give their look the greater sternness, and unnaturally make it rise on end, till they seem quite frightful. Others, as is common with the Greeks, seem to con over, on the ends of their fingers, what they are to say, and accompany it with motions of their lips, or fall a coughing, thrusting one of their feet out, gathering up part of their robe with their left hand, and either standing stiff or motionless, or crouching with their shoulders above their ears, like a boxer watching his opportunity.

The introduction of a pleading most commonly requires a gentle delivery. For nothing is more proper than modesty is to conciliate the affections. But this is not always the case, for as I have already observed, all introductions are not to be delivered in the same manner. In general, however, they suit best with a calm voice, and a modest gesture, the robe flung over the shoulder, the body gently swaying to both sides, and both eyes directed to the same object.

The narrative requires the hand to be more advanced, the robe to be fallen from the shoulder, the gesture to be marked, the voice to have a conversible tone, only a little more elevated, but still upon one key. But I mean this only to be understood of such narratives as run in the following strain: "Quintus Ligarius then, before there was any appearance of a war, went as lieutenant-general under

Caius Confidius into Africa." "Or Aulus Cluentius Habitus, the father of my client."

Some narratives require a more passionate and spirited expression; for example, "the step-dame marries her son-in-law." Some require a mournful pronunciation; as the following; "There was exhibited in the market place of Laodicea, a most cruel spectacle, a spectacle that all Asia had reason to curse."

As to proofs, they require great variety of action. All that part of them which consists in stating, dividing, and questioning, suits with the conversible manner, as does the resuming our adversary's objections. And yet there is some diversity even in this manner, because we pronounce some things in contempt, and others in imitation.

When we reason, our action generally should be more active, pointed, and earnest; and our gesture suited to our purpose, I mean strong and quick; nay, sometimes it should rise to rapidity.

Digressions are most commonly gentle, smooth, and flowing: witness, when Cicero mentions the rape of Proserpine, describes Sicily, or praises Pompey. And, indeed, there is some reason in this, for we are not to express great earnestness in matters that are detached from the main question. Imitation requires a manner, that upon another occasion might be blameable, because it affects carelessness; for example, "I think I still see some crowding in, others crowding out, some staggering under what they had drank to day, others yawning from what they drank the day before." Here a gesture is allowable, agreeable to the expression, a slight pointing to both sides, but all to be performed by the hands without any participation of the body.

Various are the means by which we fire the judges. The highest and the sharpest strain which any

any orator can use for this purpose is, when Cicero in his pleading for Ligarius says, "After the war, O Cæsar, was begun, after its operations were advanced." For he said immediately before, "While I plead at your tribunal; and I could wish my voice would serve me to be heard on this subject by all the people of Rome." The following is spoken in a less severe and more mellow tone; "For what, O Tubero, was the meaning of thy naked sword in the ranks of Pharsalia?" When he says, "But in a full assembly of the Roman people, vested with a public character," the voice is more full, slow, and softened; every vowel must be then strongly expressed and dwelt upon, so that nothing may be lost in the pronunciation. "You, ye Alban mounts and groves, I implore and attest," requires a more majestic manner; while nothing but harmony flows in; "Rocks and deserts are respondent to the voice." The above are so many instances of that play of voice, that management of tones, for which Demosthenes and Æschines reproached each other. But that circumstance is no argument against their being used; because, that they were used by both is plain from their mutual reproaches; for when Demosthenes swore by the shades of those heroes who perished at Marathon, Platea, and Salamis, and when Æschines deplored the fate of Thebes, we are not to suppose they spoke in their ordinary tone of conversation.

Besides those tones there is one which is a little, as it were, supernatural, by being without the compass of the voice, and is, by the Greeks, called the bitter tone. When Cicero in his pleading for Rabirius says to the clamorous populace, "Peace, peace,—your bellowing only shews what fools, and how few, ye are." The two first words are supposed to be spoken in a tone of voice, which comes under none of the denominations I have mentioned.

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As to the winding up of a pleading, clearness and conciseness are all that is required, if it contains only a recapitulation of facts and propositions. If it is intended to arouse the judges, we must employ some one of the manners I have already described; if to soften them, the voice must be smooth and gentle; if to touch them with compassion, we must apply a flexibility, a mournful sweetness of voice, which nature gives to every one, and which she has modulated for compassion. For we see even orphans and widows, when attending the funerals of their parents or husbands, bemoan their loss with a kind of mournful melody. That cloudiness of voice, which Cicero says Antonius the orator possessed, is wonderfully well adapted to this, and ought to be studied.

Compassion, however, is of two sorts: one is intended to excite hatred; such as the compassion for the Roman citizen, whom I mentioned to have been whipped by the command of Verres. The other is attended with deprecation and supplication only. Therefore, though the words "In an assembly of the Roman people," are to be pronounced with a kind of darkened harmony, and not in a scolding tone; and though when Cicero said, "Ye Alban mounts and groves;" he spoke them neither with an exclamatory nor an invocatory voice, yet he employed a much greater compass of modulation, and greater powers of voice, when he said, "Wretch, unhappy wretch that I am!"—And, "How shall I answer it to my children?"—"Could you, Milo, by these, recal me to my country? And by these, shall I be unable to retain you in your's?" And when he sells the estate of Caius Rabirius for a single sesterce, he adds, "Cruel, detestable proclamation!" An excellent effect likewise is produced by an orator's seeming to faint at the close of a pleading,

ing, through grief and fatigue. Thus Cicero, in pleading for Milo, says, "Here must I stop; my tears deny utterance to my tongue, and the commands of Milo forbid the intercession of my tears." Here the pronunciation should agree with the sense. As to the other incidents usually attending this part of pleading, such as encouraging the accused, holding up children, bringing relations into court, I have already mentioned them in the proper place. I shall only observe farther, that there is somewhat peculiar in every part of a pleading, it is plain, as I have already said, we ought, through all that variety, always to adapt the voice to the meaning and sentiment.

Nay, single words sometimes, not always, require the same attention; poverty, wretchedness, should be pronounced with a sinking, faltering voice. When we say that such a man is brave, that another is terrible, and another is a villain, every character is to be pronounced with a strong, spirited tone. The manner of pronouncing gives a force and propriety to words, which they otherwise would not have. Nay without it, they might carry a quite different meaning. By changing the pronunciation, the same words may express affirmation, reproach, denial, astonishment, indignation, interrogation, derision, and contempt. When Virgil makes Æolus say, Thou gavest me what I have. His shepherd says, in singing thou his match?—In another place of the Æneid, one says, thou that Æneas!—And Turnus says to Drances, thou call me coward? Here every thou, requires to be pronounced in a peculiar manner, in order to give the meaning intended by the poet. But not to take up my reader's time, any man may consult himself upon these, or any other examples, wherein the same words require various expressions, and he will find what I say to be true.

I have

I have one observation farther to make, which is, that gracefulness is the chief property of action; but this gracefulness has several characters and expressions; for one does not suit every man. It is certain, gracefulness is founded upon a principle which we can neither express nor account for; and though it is true, that our chief business is to aim at the graceful, yet it is as true, that there is an art in attaining to this graceful; and yet we cannot by art, attain to the whole of it. In some people virtue appears ungraceful, while in others even vice is agreeable.

The two best players I ever saw upon the stage, I mean Demetrius and Stratocles, had quite opposite characters of action. But this was the less surprising, because the one excelled in the character of a god, a young gentleman, an indulgent father, a slave, a matron, or an old woman. The other was incomparable in that of a peevish, crabbed, old man, an arch cunning knave, a parasite, a pander; in short, in all characters that required exertion and activity. Now nature had given each of them a different cast: there was sweetness in the voice of Demetrius, and power in that of Stratocles. But each had peculiar and personal properties that chiefly engaged my attention. Demetrius was wonderfully graceful in the management of his hand, in a sweet expression of surprise, which he affected the more, because it always charmed the audience, in that artful disorder with which he came upon the * stage; and in his inimitable attitudes, when he threw himself into a profile; in all such parts of action none could come near him; for besides art, he had the advantage of a just stature, and a most beautiful person.

* The original implies that his robes were swelled by the wind.

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The other excelled in tripping along the stage; in a perpetual restlessness of body; in a peculiarity of laugh, which he knew never failed to take with the people, and in an arch way of sinking his head between his shoulders.

But if the one attempted any of the parts in which the other excelled, he did it most vilely. An orator's great art, therefore, is to know himself, and in forming his action to consult not only the rules of art but his own genius. And yet there is no impossibility for one man to excel in several, nay in all characters of action.

I shall close this book as I have done others, by cautioning my readers against excess in every thing, and recommending a mean. I am not forming a player but an orator. We are not to observe every trifling prettiness of gesture; we are not to torment ourselves about marking every point, every pause, and emphasis of speech, as if we were pronouncing the following passage from the Eunuch of Terence, "What then shall I do? Not go? No—but she invites me—That is nothing—I'll pluck up a spirit; I'll be no longer the slave of a whore—as she is." Here the player is to observe every stop, every doubt, every variation of voice, with every motion of the hand and head. But this is not the business of an orator. He must not descend to such littlenesses; he is to plead and not to mimic. Away then with all mouthing expressions, all finical gestures, all studied mechanism of voice, which swell, disgrace, and break oratorial action. Well might our old orators borrow a Greek phrase to express this manner, and which we have from Popilius Lena, who calls it the action of puppets. Let us therefore, in this, as in all other parts of an orator's practice, follow the excellent precepts laid down by Cicero, through different parts of his works, where he treats of elo-

quence, and to which I am indebted for great part of what I have said on this subject. But a spirited, theatrical action is in vogue at present; nay, it is called for, and in some cases, it is not unbecoming; but it ought to be carefully managed, lest while we aim at the pleasing prettinesses of the player, we lose the amiable character of the gentleman, the man of sense, and the man of honour.

QUINCTILIAN'S

QUINCTILIAN'S INSTITUTES

OF

ELOQUENCE.

BOOK XII.

INTRODUCTION.

I NOW proceed to that part of my work which is by far of the greatest importance. Could I when I first entered upon it, have conceived any idea of those difficulties under which I am now almost sinking, I should long ere now have consulted my own ability. But at first I only considered myself as obliged in honour to make good what I promised. As I proceeded, I found difficulties growing on both hands; but still that I might not lose what I had already done, I was resolved to conquer them. For this reason, though I am now more oppressed than ever with the burthen, yet I will rather sink under it, than abandon it, since I am now within sight of the end of my labour.

I deceived myself by taking my pupil up so early as I did. A flattering gale made me proceed on my voyage. While I dwelt only on points and matters that were known and common to other writers, I

considered myself as being still near the shore, and took my chance with those who committed themselves to the same breezes. But when I came to launch out into the doctrines and principles of elocution, subjects but lately found out, and but seldom attempted, I found myself out of sight of land, and almost unaccompanied in my voyage. And now that I have brought my pupil to be an orator, now that he is obliged no longer to attend the schools of eloquence, now that he soars upon his own pinions, and can reach those heights, where he can be instructed in the school of wisdom herself, I begin now to be sensible in what a boundless ocean I have sailed, and to say with the poet,

There's nought but air and billows to be seen.

In this boundless tract I can however discern the vessel of Cicero, which was capacious, strong, and well equipped, when he set out upon his voyage, yet when he entered this ocean, he contracted his sails, he lay by with his oars, and thought it sufficient that he had discovered that kind of eloquence, which was proper for a complete orator. But I boldly venture to examine his manners, and to prescribe his duties. In this I have no guide to follow, for I must proceed farther than my great master has thought proper to go. But still an honest intention is commendable, and we never venture so little, as when we are sure to be pardoned if we fail.

CHAP.

CHAP. I.

THAT NONE BUT A GOOD MAN CAN BE A FINISHED ORATOR.

Several arguments brought to support this proposition—The morals of Cicero and Demosthenes vindicated—An address to young gentlemen—Objections answered that he himself has laid down rules for imposing upon the hearer—That it may not be inconsistent with the character of a virtuous man sometimes to defend a bad cause.

Let the orator, therefore, whom I have thus formed, be at once a man of virtue and eloquence, and thus he will answer the definition given of him by Marcus Cato. Here, the first character in the nature of things is, the most excellent and amiable. Were a wicked man to be armed with eloquence, society could have no such pest. Nor ought I to shew my face to mankind, if after all the pains I have taken for the service of eloquence, I should furnish a robber and not a soldier with her arms and artillery. But what do I speak of myself? When nature, that indulgent mother, endowed man with speech, to distinguish him from other creatures, she should have acted the part not of a parent, but a tyrant, had she intended that eloquence should herd with wickedness, oppose innocence, and destroy truth. It had been more kind in her to have ordered man to be born mute, nay, void of all reason, rather than that he should employ the gifts of providence to the destruction of his neighbour.

But my judgment carries me still further, for I not only affirm that a complete orator must be a good man, but that no other than a good man can be a complete orator; and I prove it thus: where the paths of virtue and vice are equally discernable, can we

we suppose a man to be endowed with understanding, if he shall chuse to follow the latter? Can we suppose a man to possess common sense, who shall, for want of consideration and foresight, expose himself to most severe punishments, often of law, always of conscience. Now, if it is held as an undoubted maxim not only by the wise, but by the vulgar, that a man cannot be wicked, unless he is foolish; how can a fool be an orator? Let me observe farther, that unless the mind is free from all kinds of wickedness, it is impossible for her to be in a disposition proper to study this amiable art. Because in the first place, virtue can have no fellowship with wickedness in the same breast. And it is as impossible for the mind to apply to aspire after honesty and villainy at the same time, as it is for a man to be at the same time virtuous and a villain. In the second place, when the mind applies to so important a study, it ought to be void of all other, even the most innocent concerns. For then, and only then, it can be disengaged and unencumbered enough, freely to devote itself to its favourite study.

If too great an attention to our persons, our estates, or family concerns, to the pleasures of the chase, or to public diversions, at which we spend whole days, are vast avocations from every kind of study (and we are to consider, that all the time we bestow upon any other pursuit is lost to this study), what must be the consequence if we dedicate ourselves to the pursuits of inordinate ambition, avarice, and revenge? Vices that haunt us even in our dreams, and break in upon our slumbers. For nothing is so distracted with business, nothing is so persecuted, nothing so tormented with conceptions and apprehensions, as a wicked conscience. While it is hatching the ruin of another, itself is under the torture of uncertainty, anxiety, and dread. Nay, even when it is successful

in iniquity, it feels every anguish of disquiet, remorse, terror, and expectation of the most dreadful punishments. While it is stretched upon such a rack, can it have leisure to apply to letters, or a liberal art? No, that is as impossible as it is for the uncultured field, over-run with weeds and brambles, to yield a plentiful crop of corn. Let me pursue this reasoning farther: without temperance, can we conquer the hardships of study? Then how can we do it if we devote ourselves to lust and luxury? Is not our love of glory the chief incentive to the study of learning? And can that virtuous ambition subsist in a wicked mind? Does not daily experience convince us, that the chief business of an orator consists in handling matters of equity and justice? And can we suppose, that a man full of iniquity and injustice, can do that with a dignity suitable to the subject? But to cut this topic short; granting the worst and the best of men to possess the same degree of capacity, application and learning, which of them will be accounted the best orator? undoubtedly the best man. It follows therefore, that a bad man can never be an all-accomplished orator; for it is impossible for a man to be all-accomplished in an art, if another is more accomplished in it than he.

But in order to avoid the imputation thrown upon the followers of Socrates, that I start objections and answer them as I please; let me suppose a man to be so hardened against the truth, that he shall venture to affirm, that when a bad and a good man possess the same degrees of capacity, application and learning, they will be equally good orators? I shall now proceed to convince him of his absurdity. It is certain that the chief business of every orator is, to lay down such propositions, as to a judge shall appear to be fair, equitable, and virtuous. But which will succeed best in this, the virtuous or the wicked

wicked man? The virtuous undoubtedly; and because he is best acquainted with honesty, the more will his pleading partake of it. I shall by and by shew it may possibly happen, that a virtuous orator may be obliged by his duty to advance what is not strictly true; but granting even that to be the case, it is certain he will be more readily believed, than he would be, if he was known to be a worthless fellow. Such a one has too great a contempt for reputation; he is too insensible of the value of virtue, to be always able to preserve even appearances. Hence it is that we find such men perpetually laying down propositions without probability, and enforcing them without decency; and finding themselves unable to make them good, they have recourse to frontless impudence, and bootless obstinacy. For as in their life, so in the causes they undertake, they entertain extravagant hopes.

But the worst of all is, that they are often not believed, even when they happen to speak truth; and the character of the pleader prejudices the cause.

I am now to answer certain objections, that are pushed with all the force of vulgar breath, and are not more clamorous than unjust. Say they, you do not then allow Demosthenes to have been a good orator, for we are informed that he was a very worthless man? You pluck the palm of eloquence from Cicero, whose morals and conduct are generally condemned. Doughty objections indeed! My answer may shock the gentleman: it is therefore proper, that I should prepare their ears to receive it.

In the first place then, I see no reason for laying such a load upon the character of Demosthenes, or for believing all the slander that has been raked together against him by his enemies; when I have it from undoubted authority, that he performed great and glorious services to his country, and that he

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died like a man of courage and virtue. Neither can I find the character of Cicero deficient in the duties of an excellent patriot. Witness his unparalleled glory as a consul; his blameless government as a magistrate; his crushing the project of governing the republic by twenty senators, though he himself was to have been of the number; witness his courage which was proof both against hopes and fears, in declaring for that party, which was in the interest of their country, during all those dreadful civil wars, which broke out in his life-time. Some have accused him of pusillanimity, but to this he himself gives an excellent answer, that this was not pusillanimity, but prudence, and that he was not fearful in encountering danger, though he was cautious in guarding against it. And he made this defence good in his death, which he met and suffered with an undaunted spirit.

If I am asked, how can they be orators, since it is certain they were not completely virtuous? My answer shall be pretty much the same with that of the stoics, who, when they are asked whether Zeno, Cleanthes, and Crysippusi, were wise men, make answer, That they were indeed great and venerable men, but that they did not attain to the perfection of virtue. Nay, Pythagoras himself would not, like others before him, assume to himself the denomination of a wise man, but a lover of wisdom. In conformity therefore, to the received usages of speaking, I have often said, and will always say, that Cicero is a perfect orator, in the same sense as we call our friends men of consummate virtue and wisdom, though it is a character that is strictly applicable only to the truly wise; and no such man exists.

But, that I may conform myself to the strictness of language and truth, the orator I speak of is such

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an orator as Cicero himself sought after. For though I readily acknowledge, that he stood upon the summit, and though I scarce think it possible to have added any thing to his eloquence, yet, perhaps, I may be of opinion, that something might have been retrenched from it. For it is the general opinion of learned men, that though the eloquence of Cicero had a great many beauties, yet it had some blemishes; nay, he himself tells us, that he greatly restrained the luxuriancy of his youthful manner. But as he never arrogated to himself, though he knew his own value, the epithet of wise, had he lived longer, or in more peaceable times, he certainly would have improved his eloquence. I do him therefore no injustice in thinking that he did not reach that summit of perfection, which none ever approached so near to as himself.

If I abridged somewhat of this character, I could defend myself with still greater freedom. Marcus Antonius said, that he had never seen a man of eloquence, and that surely comes not near to my character of Cicero. Even Cicero himself declares, that he had never met with such a man; that he had only formed him in idea and imagination. And shall I venture to pronounce, that through all the eternity of ages yet to come, an orator may not arise, whose eloquence shall surpass that of Cicero.

I shall take no advantage of the opinions of some, who even derogate from the merits of both Cicero and Demosthenes. Nay, Cicero himself did not think that Demosthenes was, in every respect, perfect: for he says, that he sometimes nods; and Brutus and Calvus certainly found fault with Cicero's composition, even to his face. The two Asinii, father and son, are in many places very severe, nay, bitter against the blemishes of his style. But I shall grant, what is scarce probable in the nature

nature of things, that a wicked man may be eloquent, even in the highest degree; yet I must deny that such a man is an orator, for the same reason as I deny that the man who is always ready to quarrel and to fight, is a man of courage; because I think courage always implies virtue. In the man whom we employ to defend our life and property, do we not require honesty, that is not to be corrupted with avarice, biassed by favour, or shaken by fear? Shall we give the sacred name of orator to a traitor, a coward, and a trickster?

But if we require common honesty, as it is called, even in indifferent advocates, why may we not suppose an orator to arise (though none such has arisen yet) whose morals, like his eloquence, shall be perfect? For I do not attempt to form my orator to be a meek bustler at the bar; a noisy prostitute for hire, nor (that I make use of softer terms) a good, useful man in business; or, in other words, an excellent barrister. My orator must possess every beauty of genius, and every excellency of nature. He must be completely master of every fine art: he must be sent down from heaven to mankind, with perfections greater than ever were known to former times; matchless in his virtues, accomplished in his practice, his sentiments glorious, and his elocution divine.

How well is such a man fitted to protect innocence, to check the attempts of guilt, to detect practices and collusions in pecuniary matters? But, though his influence and abilities upon such occasions are great and decisive, yet his character never can shine forth with so much advantage, as when he directs the counsels of the senate, and reclaims the people from headstrong rage. Does not Virgil seem to have such a man in his eye, when he introduces

troduces the calmer of a people's madness, while they indiscriminately toss about stones and firebrands;

But let them see a worthy patriot near,
They stand in silence, and with rev'rence hear.

Here, we see the first quality is virtue and wisdom; then the poet adds eloquence;

So smooth he reasons, yet so strongly charms;
They quit their fury, and resign their arms.

Even in the field and in time of danger, when the soldiers stand in need of encouragement, such an orator as I am endeavouring to form, will draw his eloquence from the very sources of wisdom herself. For how is it possible, when they are marching to an engagement, to make them forget so many fears of danger, pain, and even of death itself, but by substituting in their place the most striking sentiments of piety and fortitude, with the loveliest and liveliest images of virtue? Can any man succeed so well in persuading others, as the man who is sincerely persuaded himself. Let deceit be ever so well guarded, yet some time or other, it will betray itself; and no man had ever yet such command of elocution, as not to stammer and stop, when his lips did not speak the language of his heart. For a bad man in such cases must necessarily speak very differently from his real sense. But a virtuous man never can be at a loss for virtuous expressions, or for a flow of the noblest sentiments; because he is a wise man at the same time. Granting that sometimes they are not bedizened with art, yet their own nature renders them beautiful, and the sentiment that is brave and honest will never want for dignity of language to cloath it.

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Let every young man therefore, nay, every man of us, for it never is too late to do well, apply to those divine attainments with all the powers of our mind. Let them be our only purpose; who knows but we may succeed? For, if nature has made it possible for one man to be virtuous, and another to be eloquent, why may not one man unite both? And why should not every one believe it possible that he is the man? But though we should not arrive at that point of perfection, yet still the nearer we approach to it, we are the more valuable. Meanwhile let us shake off that groundless opinion, that eloquence, the fairest gift of heaven, can ever be reconciled to immorality. No; should a wicked man be eloquent, then eloquence herself becomes wickedness; because she furnishes that man with the means of being more wicked; and a bad man will be sure to use them.

Some I know prefer eloquence to virtue; and I think I hear such gentlemen saying, is eloquence then so artful? Did not you yourself lay down some precepts for colouring a bad, and for defending a doubtful, cause? Nay, did you not hinta t destroying the force of undoubted evidence? To what purpose was all this, if you did not mean that eloquence was sometimes to overpower truth? According to you, a man of virtue will engage only in virtuous causes; and in such causes, truth will always of herself be powerful enough, without the assistance of art.

I will first answer those gentlemen, in defence of what I advanced in the first part of this work, and then I will satisfy the conscience of every virtuous man who may happen to be employed to defend the guilty. Now, it is of great service for any man at the bar, to know how to handle the defence of falsehood, nay, sometimes to speak on the side of injustice,

justice, were it only because he is thereby enabled more readily to detect the one, and refute the other. For a man will apply a remedy more successfully, if he knows what remedies have been unsuccessful. Nay, though the academics used to speak on both sides of the same question, yet for all that, we are not to conclude that they were men of abandoned principles. Even the famous Carneades was not a wicked man, though we are told that, in the hearing of Cato the Censor, he spoke against virtue with as much force of argument as he made use of when he spoke for it the day before. For wickedness, by being contrasted with virtue, illustrates the beauties of virtue. Justice appears more strongly when she is opposed to injury; and many other qualities are proved by their contraries. Upon the whole, therefore, an orator, as well as a general, ought to be well acquainted with all the force and stratagems of his enemy.

Even that proposition, which appears at first so shocking, that a virtuous man in defending the cause he has undertaken, will sometimes disguise the truth from the judge; even this proposition, I say, may be defended. The wisest philosophers of all ages, as well as I, believe that most actions of our life are justifiable or condemnable by the intention and not the fact. I hope, therefore, it will not be surprising, if I maintain the same doctrine. To kill a man is sometimes virtuous, nay sometimes it is highly glorious, even to sacrifice our own children. And things that are still more shocking to be spoken, may become allowable when public necessity requires them to be done. We are not therefore to take up with the single consideration of the quality of the cause which a virtuous man is engaged to defend, without enquiring into his intentions and reasons for so doing. For, in the first

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place, all mankind, nay, the most rigid stoics must grant, that sometimes a very slight cause may justify the best of men in telling a lie. For instance, supposing a boy to be sick, do we not, in order to contribute to his recovery, tell him a thousand fictions, and make him a thousand promises we never intend to perform? Suppose one knows that a man has a mind to murder another, may he not employ a falsehood to save his neighbour's life? Are we not justified in out-reaching an enemy, when our country is in danger? Nay, may not a case be so circumstanced, that the thing that in a slave would be blameable, in a wise man may become commendable?

Those principles being laid down, I can conceive a great many causes to happen, in which an orator, as a man of virtue, may engage himself; though he would have nothing to do with them, were it not for the honesty of the intention, and the utility of the purpose. I do not apply what I say here, as if he was to dispense with the rules of severity only in defending a father, a brother, or a friend in danger; though even here there may be some hesitation between justice, on the one side, and affection on the other. But I speak in general, of all causes in which the intention is to be considered. Supposing a man to be impeached for attempting the life of a tyrant, would not my orator wish to save such a man? And, if he undertook his defence, will he not be justified in employing as many means of imposition as the party does who is employed against him? Supposing, in this very case, that my orator knows the judge will, without any other consideration, condemn the man merely upon the face of the fact if it should be proved, is he not to endeavour to disprove the fact, if that is the only mean by which he can save the life of an innocent, nay,

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a well deserving citizen? We may say the same of all like cases. Let me suppose farther, that a measure in its own nature is right, but at a certain public conjuncture, we know that if executed it must be prejudicial to our country, are we not, in such a case, to employ all the powers of rhetoric to dissuade it? Though, in so doing, however virtuous our intention may be, yet in our eloquence we must employ unjustifiable art.

I shall here just mention, that if it is possible to reclaim the wicked to a right way of thinking, as doubtless it sometimes is, it is our duty to preserve them for the service of our country, rather than to punish or destroy them. If, therefore, an orator upon good grounds is convinced that a man who is impeached even upon just grounds, will afterwards become a well-deserving member of the community, is he not in that case justified in employing every art of eloquence that can preserve him?

Having said thus much, I shall suppose, that an excellent general, the only man who can give success to the arms of a country, is impeached for a misdemeanor, which is too palpable to be denied, is it not for the common good that he should be defended upon this charge? We know, at least, that on the eve of a war, Fabritius, by his own vote, made Cornelius Rufinus consul, merely because he knew him to be a good general, though he knew him, at the same time, to be both a plague to his fellow citizens, and a personal enemy to himself. And while some were expressing their wonder at this, the answer of Fabritius was, "that he chose rather to be fleeced by his countrymen, than flead by his enemy. Supposing Fabritius to have been an orator, would he not have defended the same Rufinus upon a charge of oppression, had it been ever so undeniable?

I might give many other instances to the same purpose, but I think the last case is sufficient. For I am not laying it down as a principle, that my orator is to be often embarked in such causes. But if it should so happen that he is, my definition may, notwithstanding, remain good, that "an orator is a worthy man, well skilled in eloquence." But it is likewise necessary, that some rules be laid down and learned, as to the proof of difficult points in a cause. For it often happens, that the very best causes have a near resemblance to those that are bad, and many plausible charges may be brought against an innocent man, which may oblige an orator to defend him, even upon the supposition of his being guilty. Besides, a vast number of circumstances may be in common to good and bad causes: such as witnesses, papers, presumptions, and opinions. Now what is only seemingly true, must be established, or refuted in the same manner as if it were actually true. Therefore, our pleading must be suited to the occasion, provided always that we preserve an honest intention.

CHAP. II.

THAT AN ORATOR OUGHT TO BE WELL SKILLED IN ALL PHILOSOPHY.

And that, not only to make him a good Man but a good Speaker. —Logic, moral and natural Philosophy necessary to him.— Examples.

I HAVE laid it down as a fundamental, that an orator ought to be a worthy man, but he cannot be so without virtue. And though virtue, in some measure, operates from nature, yet she receives her finishing excellencies from learning. The moral

character ought to be a chief object of an orator's study; for unless he is well acquainted with the whole system of virtue and equity, he can neither be a worthy man nor a good speaker. Some, it is true, tell us, that our morals are formed by nature, and that learning contributes nothing to them. How absurd is this! since they must own, at the same time, that the most inconsiderable manufacture we attempt, the most contemptible piece of mechanism, requires a master. Shall we then think that virtue, that divine quality, which alone can make mankind approach to divinity, comes to us with our existence, without courting and without care? Can a man be temperate, and yet not know what temperance is? Can he be brave, unless, by his reason, he conquers all fear of pain, death, and superstition? Can a man be just without knowing the nature of justice and equity, without knowing their general laws, and without knowing their particular constitutions, under different states and governments? How inconsiderable must such knowledge be, if it comes so easily? I shall therefore leave this point, as a matter upon which no man, who has the least tincture of letters, can have the smallest doubt, and return to prove, that a man cannot be sufficiently eloquent, without being thoroughly acquainted with the powers of nature, and without forming his own morals by learning and reflection.

Crassus is very justifiable in Cicero's third conference concerning the qualifications of an orator, when he says, that the province of eloquence comprehends the whole system of what belongs, or what does not belong, to equity, justice, truth, and virtue; and that when philosophers enforce or defend them by the powers of speaking, they borrow their arms from the profession of rhetoric. At the same time, he confesses that we must now apply to philosophers,

osophers, in order to make ourselves masters of hose topics, because they have for a long time mo- opolized them. Cicero, however, in a great many f his treatises and letters, tells us, that the streams f eloquence flow from the deepest sources of wis- om. And, therefore, for some time the profession f philosophy and eloquence was the same. I do ot, therefore, mean that my orator should be a phi- osopher, because nothing can be more distant than he two professions are at present. For what philo- opher do we see attend the courts of justice, dis- nguish himself in assemblies of the people, inter- neddle in any public duties, or so much as attempt ne business of an orator? Is there one of them, who understands the government of the state, hough most of them have laid down rules for that urpose? But I would have the orator I am now orming a wise Roman, who fits himself for public usiness not for any fantastical speculations, but by ractice and experience.

But because the study of wisdom has been aban- oned by those who have applied themselves to that f eloquence, she does not now move in her own phere, or enlighten the forum; for she found a re- reat first in the portico and the gymnasium, and af- erwards in schools and colleges. The orator, there- ore, is obliged to apply for that philosophy which e finds necessary to his practice, to those who nake it their particular profession, and not to the eachers of eloquence, because they profess it no nore. He must consult the authors who have reated of virtue, in order to direct his life accord- ng to his knowledge of things human and divine. but how much more important and amiable would hese be, were they taught by those who could ex- ress them best! Would to heavens I could see ne day, when some finished orator, such as he I

wish to form, would vindicate unto himself this province (which has been rendered so odious by the pride of some, and the vices of others, who have corrupted all its virtues), and, as it were, re-annex it to the profession of eloquence.

Now as philosophy is divided into three parts, natural, moral, and rational, which of these is not immediately connected with the business of an orator? To begin with the last, which we call logic, and which deals entirely in words, there can be no doubt, that it belongs to an orator, to know the significancy of words, to explain their ambiguities, to unfold their perplexities, to detect their falsities, and, in general, to compare and examine them; though perhaps the business of the bar does not require all this to be so minutely discussed as in schools: because an orator is not only to instruct, but to move and to delight his hearers. In order to do this, he must move along as from a superior height, he must employ all the powers, and all the gracefulness of speaking; rivers falling from lofty banks into full streams below, roll more impetuous along, than small streams of water murmuring through scattered pebbles.

But to return to logic. As the masters of exercises do not instruct their pupils in the little movements, with a design that they should make use of them all, when they are boxing or wrestling in good earnest (for there weight, strength, and wind, are most effectual), but that they may have plenty of expedients to employ as occasion shall offer; in like manner logic, or the art of disputation, is very often useful in definitions, comprehensions, distinctions, differences, and in explaining ambiguities, as well as in separating, dividing, confounding, and darkening. At the same time, should it employ the whole business of the bar, it would clog the noblest

noblest part of it, and ruin the powers of eloquence, by mincing, frittering, and blending them with its own qualities.

For this reason, you will find some people very cunning in disputation, but beat them out of the quirks of logic, they make no manner of figure in a serious argument; like certain tiny animals, that hold out a long time, while they have holes and corners to creep into, but when driven into the open fields are easily catched.

As to moral philosophy, which we generally call ethics, it is entirely adapted to eloquence. For amidst such a variety of causes as I have described in the foregoing books, some of which turn upon mere conjecture, others are resolved by definitions, others decided by law, others set aside for informality, others by relating to other questions, others by inconsistencies, others by ambiguities; in such a variety, I say it is impossible, but that ethics which turn upon the distinctions of right and wrong, must bear a great share almost in every part of it. Every body knows that most of them hinge entirely upon the quality of a fact in question. But even in deliberative cases, where all the orator's aim is to persuade, how can he do that without having particular attention to what is right and virtuous in itself? Nay, that part which consists in praising or reproaching, cannot be handled without thoroughly knowing the nature of right and wrong. Has not the orator almost in all cases occasion to recommend justice, fortitude, abstinence, temperance, and piety? But the worthy man, who has not a lip-knowledge of those virtues (as some have of most topics that fall into conversation), but is so thoroughly impressed with them that he feels their operations in his own soul, such a man will always be able to do justice to his own sentiments,

sentiments, without being at a loss for words; because as he thinks he will speak.

As every general question, however, is more comprehensive than a particular one, because generals include particulars, and not the reverse, there can be no manner of doubt, that general questions are best discussed by that study I am now considering. Now, as a great many causes turn upon short peculiar definitions, from which they have the name of definitive causes, are not such cases best managed by those who have applied most successfully to moral philosophy? For let us reflect that every question of law either turns upon the propriety of words, the construction of equity, or the intention of a party: all which are to be determined upon the principles either of logic or morality. Therefore I conclude, that eloquence, unless it partakes in all the properties of these two parts of philosophy, is no more than loquacity; and either has falsehood for its guide, or no guide at all.

As to natural philosophy, it opens a field of speaking, as much extended beyond that of the other parts of philosophy, as an orator upon celestial things must exceed in freedom and strength one upon terrestial. And at the same time it comprehends all the moral part of philosophy, without which, as we have already seen, there can be no eloquence. For if we admit that the world is governed by providence, it is certain that every particular state ought to be governed by men of virtue; if the human mind is of divine original, it ought still to be aspiring to virtue, without being fettered by the groveling, earthly pleasures of the body. Is not this a topic which an orator has often occasion to handle? As to the answers of the augurs, and all parts of religious worship, upon which the debates of the senate so often

often turn, will not the orator whom in idea I have formed to be a statesman, likewise be the proper person to treat of all such matters? In short, what eloquence can be formed, nay, conceived to be in a man who is ignorant of this most excellent of all knowledge?

Though reason were insufficient to prove what I am now saying, yet I could do it by examples. Not only historians, but the authors of the old comedy (a set of men not at all given to flattery), tell us that Pericles was endowed with incredible powers of eloquence; though we have no remains of it extant; and we know that he was the disciple of Anaxagoras, the great natural philosopher; and that Demosthenes, the prince of Greek orators, studied under Plato. Nay, Cicero himself tell us, that he was obliged to the spacious gardens of the academy, more than to the schools of rhetoricians for his eloquence. Nor indeed could he ever have possest that divine flow of words and matters, had he confined his studies within the bars of the forum, without giving it leave to range over all the bounds of nature.

A question however may occur here; what sect of philosophy is most proper to improve an orator? But this is a question that is confined to very few sects. For Epicurus gives us an absolute exclusion, and commands us to fly as fast as we possibly can from all learned studies. Aristippus too, by making all good consist of bodily pleasure, dissuades us from the toil of learning. How can Pyrrho contribute in forming us to eloquence, who by the principles he professes, is not sure whether he has judges to speak to, a client to defend, or a senate to harrangue? Some have thought the manner of the academy to be most proper for an orator, because their way of disputing upon both sides of a question comes the nearest to the practice of the bar; and in support

of this opinion, they observe, that it has produced many philosophers who have excelled in eloquence. The peripatetics too pretend to great practice in eloquence; and indeed the method of taking a thesis for a subject of debate, arose from those sects. The stoics admit, that their leaders have been greatly defective both in the practice and embellishments of eloquence; but to make amends for that, they maintain, that no other sect manage their disputations with more force, or their conclusions with more subtility.

But I leave them to battle this question amongst themselves, since they are all of them bound by an oath, nay a sacrament, if I may so speak, never to depart from the tenets they have once embraced. But an orator is obliged to follow no sect. For the orator who aspires at being at once the great example of eloquence and life, has a nobler and a more exalted purpose in view. He is therefore to improve himself by the most complete models of eloquence in every sect; and in forming his morals, he is to adopt the most virtuous precepts, and to follow the most direct path to virtue. He is indeed to handle every subject, but he is to apply chiefly to those that are by their own nature of the greatest importance and beauty. For where can an orator have a more fertile field of eloquence, than when he speaks concerning virtue, government, providence, the nature of the soul, and friendship? Here his eloquence rises with his ideas; these, these are the true blessings of life; for they allay our groundless fears, check our inordinate affections, raise us above the level of mankind, and prove our souls to be immortal.

An orator, however, is not to be master of this kind of learning only; for he should be still more intent upon the examples, transactions, and sayings of antiquity; all which he ought thoroughly to know and have

have ever in his mind. And no state can furnish him with so great or so noble a store of this knowledge as our own. Were ever the doctrines of fortitude, justice, honour, temperance, frugality, with a contempt of pain and death, practised so well as they were by our Fabricii, Curii, Reguli, Decii, Mutii, and an infinite number of other Romans? For the Romans are as fruitful in examples as the Greeks were in precepts; the former being the more glorious, by practising what the latter taught. The orator will study those examples in another light than he would the history of his own days, since they instruct him not to regard the present time, and the immediate occasion only, but to consider that the career of a virtuous life, and the extent of glorious actions reach the latest ages of posterity. Such, such, are the fountains from which I would have him to drink deep of glory and liberty; that he may appear equally eminent at the bar and in the senate. To conclude this topic; no man can be an accomplished orator, but the man who can think justly, and dares speak freely.

CHAP. III.

THAT THE KNOWLEDGE OF THE LAWS OF THE STATE WE LIVE IN IS NECESSARY TO AN ORATOR.

THE knowledge of his country's laws is likewise necessary for an orator; and as he is to have a share in the government, he ought to be well acquainted with its constitution and religion. For how can he debate to any purpose, either in public or private, upon counsels and measures, if he is ignorant of the fundamental principles of the government under which he lives? Or how, consistently with truth, can

can he profess the business of an advocate, if he must apply to another for the capital knowledge required in that profession? This would make him no better than the fellows who are hired by short-winged poets to read their compositions. He is, in short, no more than a puppet; for whatever he wants to inculcate upon the judge, he must do it upon the faith of another man, and, instead of assisting his client, his client must assist him.

He may, perhaps, endeavour to avoid this inconveniency by studying at home all the law terms and practice, with every thing else of that kind, and then presenting himself ready prepared before the judge. But how is he to behave, when (as is often the case on such occasions) an unforeseen question arises? Will he not then make a most pitiful appearance? Must he not have recourse to his inferiors upon the lower benches for information? Is it then possible for him to repeat exactly what his client told him, and give it an air as if it was his own? Yes, in a continued pleading he may; but how will he behave in the altercation, when he must return and charge off-hand; and where he has not a moment to spare for information. Supposing too that his friend, the civil lawyer, is absent. Supposing some pretending bungler shall prompt him to say what is wrong. For one of the greatest misfortunes of an ignorant man is, that he believes implicitly in the man who prompts him.

I am sensible of the prevailing practice, and I have not forgot those gentlemen who lie as it were, upon the watch, to furnish pleaders with weapons; and this I know to have been the practice in Greece likewise, and that there they had the name of practitioners. But I speak of an orator who can support his cause, not only by the mere organs of his voice, but with every thing that can do it service. I therefore

fore would not have him at a loss, even if he is called upon to speak within the hour; nor would I have him a novice in any part of practice. Supposing a general is active and valiant in battle, and that he could do his duty extremely well in the field, after the order of battle is drawn up, but neither knows how to levy men, nor to march, nor to exercise troops, nor to provide convoys, nor to encamp his army to advantage; could we call such a man a proper general? For surely he must prepare for war before he can carry it on. Just such is the advocate who must be obliged to others for a great part of that information that is necessary for his success; and such an advocate is the more to blame, because the necessary qualifications he wants are more easily attainable, than is generally imagined by those who consider them only at a distance.

For all positive right is determined either by a written law or usage. Whatever is doubtful must be tried accordingly by the evidence of antiquity. As to laws that are either written or turn upon use and custom, there can be no matter of difficulty, for they do not require invention, but inspection only. With regard to those points that are referred to the opinions of lawyers, they either turn upon the sense of words, or the difference between right and wrong. As to the former, it is the business of every man of sense, but of an orator more especially, to know the signification of words; and equity is understood by every man of virtue. Now, my aim is to unite those two characters together in an orator. If then he shall undertake any thing which he knows to be well founded in natural justice, he will not be at all surprised, if the common lawyer shall differ from him in opinion, especially as he knows that it is no unusual thing for them to differ amongst themselves, and for each to maintain his

his own opinion. But an orator needs only to read, (and that sure is the easiest part of study) in order to make himself master of all their different opinions. But what am I saying? Many who have despaired to succeed as orators, have humbly contented themselves with professing common law;* how easy is it for an orator to learn that, in which they who cannot be orators may excel?

Marcus Cato, however, was a most excellent speaker, and at the same time a very able common-lawyer; and the two great common-lawyers, Scævola and Servius Sulpitius, were excellent orators. Cicero, during all his practice as an orator, was so far from neglecting the study of the common law, that he began to compose somewhat on that subject; and from thence one may see that an orator may, in the course of his practice, find time not only to learn, but to teach the common law. But let no one think that I am to be blamed for laying down rules for an orator's manners, or for his studying the common law, because many have been known to be so disgusted with the fatigue of studying eloquence, that they have fled to those amusements as I may call them, rather than studies. Some of them have applied merely to be bawlers of forms and word catchers, and pettyfoggers, qualifications which they pretend to be useful, though they follow them only because they are easily attainable. Others sink to a loftier pitch of indolence, by putting on all at once a sour look, and wearing a great beard, as if despising the rules of eloquence; then resort a little while to the schools of philosophers, seem demure in public, while they are dissolute in private; and thus, by an arrogant contempt of all others, they

* The civil law, as I have elsewhere observed, was the common law of Rome, and indeed ought to be so translated, when mentioned by any Roman author.

court

court respect. But philosophy may be counterfeited; eloquence never can.

CHAP. IV.

THAT THE KNOWLEDGE OF HISTORY IS NECESSARY TO AN ORATOR.

A CHIEF part of an orator's business is to be furnished with plenty of precedents, both ancient and modern. He ought to be master, not only of historical incidents, but of those traditionary circumstances that are daily handled at the bar; nay, he ought not to neglect an acquaintance with the most eminent poetical fictions. Historical precedents have great weight, as being so many evidences; nay, decided cases, and traditionary or poetical matters, are revered for their antiquity, or are looked upon as invented by great men to supply the place of precepts. Let an orator, therefore, be well furnished with all. For, as Homer very often says, old men gain authority by being thought to know, and to have seen, more than others. But we are not to wait for old age in order to acquire this authority; for it is peculiar to the study of history, that it gives us as much knowledge of past things as if we had lived in the times when they were transacted.

CHAP. V.

CONCERNING THE MEANS OF BEING AN ORATOR.

Of Presence of Mind.—Assurance.—The natural Means.

SUCH are the means, not as some think of the art, but of the artist, which I had promised to speak of.

of. Such are the arms he ought to have at hand; such is the knowledge with which he ought to be prepared, together with a readiness and copiousness of expression both in words and figures; the principles of invention, the art of dividing, strength of memory, and gracefulness of action. An orator has great advantages if he possesses a presence of mind undaunted by fear, unterrified by clamour, and never carrying his complaisance beyond that just reverence which is due to his hearers. For, as arrogance, rashness, impudence, and pride, are detestable in an orator, so he can reap no advantage from his art, his study, nor indeed from his acquirements, unless he has resolution, assurance, and fortitude. It is like putting arms into the hand of an infant or coward. By Heavens! what I am going to say, I speak with regret, because it may admit of a wrong construction; but I have known modesty itself, that amiable weakness, and the parent of so many virtues, when carried too far, sometimes hurt an orator; and I have seen many instances, where great abilities and valuable acquirements, by want of exercise in public, have wasted away by a kind of canker and rust they have contracted by disuse. But the reader, who perhaps is not quite master of the force and significancy of certain words, is to understand, that I am not speaking so much of modesty as of bashfulness, by which I mean, that fear which hinders a man from exerting himself as he can and ought, and which renders himself first confused, then disconcerted, and at last silent. Am I then to be blamed for ranking amongst the blemishes of eloquence, a quality, which makes a man ashamed of doing what is right? But, on the other hand, I am for having every man, who is to speak in public, rise from his seat with visible concern, even change colour, and appear apprehensive of his danger. Nay,

Nay, if he is not so in reality, he ought to pretend that he is. But I would have all this proceed not from fear, but from knowledge. I would have him affected, but not daunted.

But the best cure for bashfulness is self-assurance; for the testimony of a good conscience gives assurance to the most downcast forehead. As I have already observed, there are likewise certain natural means or advantages, which an orator may improve by care, such as the voice, the lungs, and gracefulness of person; which are of such efficacy that we have often known them preferred even to abilities. In my own time, I have known better orators than Trachallus; but when he spoke, he far outshone all his equals. So majestic was his presence, he had such meaning in his eyes, such dignity in his look, and such expression in his gestures. As to his voice, it did not, as Cicero requires, approach to that of an excellent actor, for it excelled the voice of the best actors I ever beheld. I remember, when he pleaded before the first court in the Julian Hall, while all the other courts, as was usual, were sitting, and full of pleaders speaking at their bars, he was seen and heard over them all; nay, applauded by all the four courts, to the no small mortification of the other pleaders. But this excellency is more than we can reasonably hope for, and seldom happens. Yet when it does not, a speaker is to do his best, so as to be heard and understood where he speaks. An orator, I say, ought to aim at this, and be able to compass it.

CHAP.

goes about it. For the consequence of hearing what is superfluous is not so bad, as that of not hearing what is essential. And it often happens, that an orator finds out both the danger and the remedy in circumstances that appear very immaterial and indifferent to the party. Neither is an orator to trust so much to his memory as not to write down what he hears.

Once hearing is not sufficient to instruct a pleader; he should oblige his client to tell his story over and over again, not only because a man, especially, if he is not quick of apprehension and memory, is apt to omit something at the first stating of his case, but because we can thereby the better judge, whether he persists in the same account. For a great many clients disguise the truth of their cause; they speak, not as if they were stating it, but pleading it; and talk with their advocate as if he was their judge. We, therefore, can never be too careful as to our instructions, and we are to make use of all arts in sifting, cross questioning, and boulting the truth of a party. For, as it is the business of a physician, not only to cure disorders that appear, but to cure them even before they appear, when they are perhaps concealed even to the patient himself; in like manner, an advocate ought to know more than is told him.

Thus, after he has heard every thing patiently and calmly, he is to assume a quite different character, even that of the opposite party; he is to set forth whatever he can think will make against his client, and whatever can possibly happen in a debate of that kind. He is to examine his client with sharpness and earnestness; for when we search into every, even the most minute circumstance, we sometimes come to the truth when we least expect it. In short, an orator can hardly be too incredulous:

for every thing goes smoothly on with the client; the fact is notorious; all the world is on his side; he has the strongest proofs for what he advances; nay, his adversary will not contradict great part of it.

For this reason, an orator ought to see, nay, to examine all the written evidences of a cause. For very often they are quite different from what a party represents them, or they do not come up to what he says, or they are clogged with certain clauses that defeat them; or, perhaps they say too much, and lose all credit by their extravagance. Nay, very often we discover in a writing some erasure, a counterfeit seal, or a wrong designation; unless we examine all this before we come to the bar, they will ruin our cause. For it does us more hurt to be obliged to give up an evidence, which we once mentioned, than not to have mentioned it at all.

An able pleader, likewise, may make a great deal out of circumstances, which a party may think foreign to his cause, by going through all the topics I laid down when I treated of argumentation. It is true, for reasons I have already given, that it is improper for him to enter into such a disquisition, or minute examination, while he is at the bar; but while he is receiving his instructions, he will find it necessary to search to the bottom, all circumstances of persons, times, places, motives, evidences, with whatever can enter into a cause, because, out of them, he cannot only for his artificial reasoning, but he becomes a judge of what is most likely to hurt him in the proof, and how it is best to be guarded against. For it is of great importance for an orator to know whether a party is envied, hated, or despised. The first generally happens to the powerful, the second amongst equals, and the last is the lot of inferiors.

A pleader

either be prostituted or forgotten. In short, the person who is most obliged ought to be most grateful.

CHAP. VIII.

HOW AN ORATOR IS TO BE INSTRUCTED IN A CAUSE.

An Orator is to be fully instructed in every Cause he undertakes—must be patient and circumstantial—and put himself in the place of the Judge.

I AM now to speak concerning the instructions of an orator, which serve for the foundation of his pleading. We cannot suppose a speaker to be so weak, as not to be able, after he is fully master of a cause, to instruct a judge in it likewise. And yet, that is a matter to which very few attend. Some are so very careless that they never mind the essential point of a cause, provided they have room to expatiate upon persons and characters, and to show their parts in running out upon curious debateable topics. Some are vain enough always to pretend to be in a hurry of business, that requires immediate dispatch, and desire the party to bring them their instructions the day before, or perhaps, the morning of the day, in which they are to plead. Nay, some have boasted that they received their instructions in the court. Others are so vain of their genius, that they pretend to comprehend a thing in the twinkling of an eye, and that they are thorough masters of it, almost before they hear it; then go to the bar where they mouthe and flourish away in terms that are foreign both to the judge and the parties; and after being well sweated, they strut out of the forum, attended with a numerous train of flatterers.

I am likewise disgusted with the delicacy of those, who

who throw upon their friends all the trouble of being instructed. This abuse, however, is more tolerable that the others provided those friends inform and instruct them fully. But who is so proper to receive instructions at the first hand as the pleader himself? Can we suppose that this go-between, this man-midwife of causes, this reporter of instructions, will apply himself heartily and earnestly to serve a cause, in which he is not to plead.

But of all practices, the most pernicious is, for an orator to be contented with a brief, or written instructions drawn up by the party himself, who employs him as an advocate, because he cannot plead his own cause; or else composed by one of those advocates who profess that they are incapable of acting at the bar, and yet pretend to execute the most difficult part of an orator's business. For is not the man who can judge of what is to be said, of what is to be concealed, evaded, altered, or invented, to be considered as an orator, when he goes through the most difficult part of the profession? And yet, such briefs would not be so hurtful, if they contained nothing but matters of fact. But their composers interlard them with motives and pretexts, nay, palpable falsehoods, to all which, the orator generally attaches himself scrupulously and religiously, as a school-boy does to the words of his theme. What is the consequence of all this? The falsehoods they advance are detected, and the first word of the truth they hear, is from the pleading of their opponent; so dangerous it is to take instructions upon trust.

A man of business, therefore, in this profession, ought, above all things, to enjoy the freedom both of time and place; and to be very particular in desiring his client to open to him every circumstance of the cause, however verbosely or aukwardly he goes

cess than the man who charms us in a bad cause; for every beauty of his expression and action must be foreign to his cause.

An orator is not superciliously to reject all causes of small importance, as if they were below him, or as if his merit would be depreciated by being concerned in little matters. For a man's duty always justifies him in undertaking a right cause, be it ever so trifling; though he should wish his friends to be concerned as little as possible in such causes; every pleader, however, does his duty, if his exertion is suited to his cause.

But some who are engaged even in trifling causes adorn them with foreign flowers and flourishes; and rather than not make a figure, fill up the vacuities of their pleading with personal abuse. No matter whether the party deserves it or not, all he aims at is to display his wit, and to draw peals of applause from the hearers. But this is a practice I think, so far inconsistent with the character of a complete orator, that he ought to shun all abuse, even though a party may deserve it, unless his cause absolutely requires it. For as Appius says, he is a canine orator, who is always barking and snarling, and beaten for it like a dog. They who do this seem to declare war against all the world, and to be ready to swallow every indignity in their turn. For they are generally repaid in a plentiful return of abuse, and thus the poor client may suffer through the petulance of his advocate. But there is something still more disgraceful in the vice itself; for the man who can say a scandalous thing only wants an opportunity to do one.

The pleasure of abuse is as detestable as it is inhuman; it can give no delight to the hearer, though some parties who want rather to be revenged than defended, often require it of their advocates. But this is one of the many things in which a client's

humour

counter the thorns of law, or to trace the truth through puzzling mazes, we will chearfully obey; she will no longer brandish the sparkling period, or the striking sentiment, but proceed by intrenching, mining, ambuscades and surprises. All these arts make indeed no show when they are employed, but are greatly commended when they succeed. And from thence, it happens, that those who hunt the least for glory, do generally the most service to their clients. For when their flatterers have thundered out all their applause, and when the periods cease to flow, then truth and merit re-assume their powers, and become too strong for empty adulation; the judges do justice to the merit of the able pleader; his skill is rewarded, and indeed it is ill-judged praise that is bestowed upon a speaker, before his pleading is at an end. In former times, a skilful pleader used even to conceal his powers of speaking, and Cicero makes Marcus Antonius recommend this manner, because it gains most credit with the hearers, and renders the arts of an advocate less liable to suspicion. But, in those days, it was easy to conceal eloquence, for as yet she had not acquired such a blaze of glory as to dart through all opposition. An orator, at present, however, ought to conceal all his art and cunning, and every thing that must hurt him, if discovered. The eloquence I am now speaking of has its mysteries. But a careful choice of words, justness of sentiment, and elegance of figures, must appear, if they exist; and because they necessarily appear, they should not be ostentatiously displayed. But, if an orator is forced upon an alternative, he should chuse that his cause should be commended rather than himself. And, indeed, it is the business of an excellent orator, by his eloquence, to recommend his cause to success. One thing is certain, that no man pleads with worse success

tor who does not do as well as he can, incurs the imputation not only of negligence, but of wickedness; for he is to be looked upon in no other light than a traitor to the cause he undertakes. And for that very reason he ought not to undertake more causes than he knows himself able to plead to advantage. He will as far as circumstances will admit of, say nothing that he has not written down, nay, as Demosthenes says, engraved to give it the stronger impression. This is practicable in the first pleading, or when a solemn hearing is re-assumed after an adjournment. But it cannot be done, when we are obliged to answer off hand; nay, I have known sometimes a man who was a little slow of apprehension, hurt by what he had wrote, when any new matter unexpectedly occurred. For it is with regret that they are obliged to deviate from what they had prepared; and during the whole time of their pleading, they are still as it were looking behind them, and searching for some place where they can insert what they have omitted, and for a vacancy where it can be partly introduced. If they do not succeed in this, their whole pleading must resemble an ill-joined piece of work, in which even a difference of colours is easily discernible. Thus in such a speaker all freedom is fettered, and all correctness inelegant; and the one quality destroys the effects of the other; because what he has written does not direct but hamper him. In such pleadings, therefore, an orator, to use a homely phrase, ought to stand on both his legs; for as almost every cause consists in alledging and confuting, the former part may be reduced to writing, nay, when we know (which is sometimes the case), our opponent's objections, we may have recourse to the same method.

In other respects, it is always in our power to endeavour to make ourselves complete masters of the cause;

cause; and to pay a perfect attention to what is advanced by the opposite party. Upon the whole, we ought to consider and premeditate every circumstance, and to be prepared against all events and objections. This is most safely done by writing. For thereby we can most readily admit or transpose a thought. But the orator, to whom study and practice gives power and ease in speaking, never can be surprised or confounded in any emergency, supposing him to be called upon to speak extempore, or upon whatever occasion may occur. Such an orator will always be prepared, will always be armed and ready, and will be no more at a loss for language in pleading, than he is to express himself as to the common ordinary concerns of life. He never, therefore, will shrink from the burden upon that account; and provided he is fully master of the cause, he can always command every thing else.

CHAP. X.

CONCERNING STYLE.

Variety of Style in Speaking—Painting—Statuary—Great Masters in the fine Arts—Roman Authors characterised—Cicero preferred and defended—Of different Styles—Disadvantage and Poverty of the Latin Language—To be compensated by Sentiments and Figures—An Apology for the Ornaments of Style—The different Manners of Speaking.

I AM now to speak of style, the third topic I proposed to treat of in my first division, wherein I promised to speak of the art, the artist, and the work. But as speech is the joint result of the art and the artist; and, as I shall show, its forms are various, the art must concur with the artist in effecting it. Yet there is great difference of style. For it may not

or that of the Olympian Jove at Elis, which was so beautifully executed, that it is said to have increased the devotion of its votaries; so that this great master's work equalled our highest ideas of Divine Majesty.

Lycippus and Praxiteles are said to have approached nearest to nature. As to Demetrius, he is thought to have been too scrupulously attached to it, and was more fond of resemblance than of beauty.

To apply what I have been saying to eloquence: If in that we examine the differences of genius, we shall find it as various as a human figure. Now the time was, when eloquence, though uncouth and unseemly in appearance, exerted great force of genius in her expression. Then succeeded the Lælii, the Africani, the Catones, and the Gracchi, who, in eloquence, were the same as the Polygnoti and the Calonæ, in painting. In the middling kind may be ranked, Lucius Crassus and Quintus Hortensius. But soon after appeared, almost, a continued succession of great speakers. This period produced the strength of Cæsar, the genius of Cælius, the delicacy of Callidius, the sense of Brutus, the acuteness of Sulpitius, the vehemence of Cassius, the correctness of Pollio, the dignity of Messala, and the purity of Calvus. To them succeeded my own cotemporaries, Seneca in copiousness, Africanus in power, Afer in ripeness, Crispus in delight, Trachalus in delivery, and Secundus in elegance.

I have forborne to mention Cicero, for he did not, like Euphanor, in painting, unite the distinguishing characters of all other speakers, but he excelled them in their highest perfections; yet this great man was attacked, even by his own cotemporaries, as being too bombast, too Asiatic, and too redundant a speaker. They tell you, that his repetitions are surfeiting, that his

his wit is sometimes insipid, his compositions enervate, unequal, and (I should be sorry were there any grounds for the charge) too effeminate, and too spiritless for a man. But after he perished under the triumviral proscription, his memory was attacked by all who hated, who envied, and who rivalled him, in conjunction with the creatures of the powers then in being.

But this great man, whose writings some now think to be jejune and tasteless, was never attacked by his enemies on any other pretence than the exuberance of his genius, which, they said, was too profuse and florid. Both charges are false, but the latter has the greatest colour of truth. The most dangerous enemies, however, to his reputation, were they who affected to imitate the attic style. This band, as if they had entered into a solemn confederacy, attacked Cicero, as being a foreigner, as devoted to a sect of his own, and following particular rules, in despite of atticism. Such were the men who dignified their infirmity with the title of health, though nothing can be more different; and, being themselves dry, sapless, and spiritless writers, skulk under the shade of Cicero's great name; while they are dazzled, as with the sun, by the mighty blaze of his eloquence. But, as he himself has given them a full answer, in many parts of his works, I shall be the more justified in saying but a very little upon this head.

The distinction between the Asiatics and the Attics is of an old standing: the latter affected to be close and concise, and the other were blamed for an empty, bombast manner. In the one, nothing was superfluous, and the other wanted taste and judgment. Some, and Santra among the rest, think that this is owing to the gradual prevalence of the Greek tongue over the states of Asia, the inhabitants of which were too little acquainted with it to be elo-

quent; and therefore, when they could not express themselves with propriety, they made use of circumlocutions, and have continued to do so ever since. In my opinion, however, the difference is owing to the constitutions of the speakers and the hearers amongst both people. The Attics, or the Athenians, were naturally polite and correct, without any thing about them that was empty or redundant. But the Asiatics were a swaggering, vapouring, kind of people, and those characters likewise infected their language.

A third manner, but partaking of both I have mentioned, was the Rhodian, which seems to have split the difference; for, without the Attic conciseness, or the Asian exuberance, it possesses a mixture of the people's, and its author's properties. For Æschines, who chose this as the place of his exile, imported thither the Athenian arts, which, like certain vegetables that degenerate when they are transplanted, imbibed a foreign flavour, when removed from the Attic sun and soil. They were, therefore, smooth and easy, but not without weight, and resembled gentle, standing pools, rather than clear rills, or foaming torrents.

There can, therefore, be no doubt, that the Attic manner is by far the most excellent. The authors who have wrote in it, have some properties in common to all of them, such as penetration and neatness, but they differ vastly in genius; therefore, I think, they are greatly mistaken, who confine the character of Atticism to conciseness, perspicuity, and significancy, but make it very sparing of ornamented eloquence, and strip it of every power of action. To what Attic author is this character applicable? To Lysias? For he is the standard set up by the professed admirers of this Atticism. I am glad, however, that we are not carried back to the times of Coccus

and

and Andocides. Meanwhile, I should be glad to know whether Isocrates wrote in the Attic manner? Yet nothing can be more different than his manner from that of Lysias. This surely cannot be denied. For in his school the greatest of the Athenian orators were bred.

But let me look out for some one that comes nearer to that standard. Hyperides of Athens undoubtedly was he, and yet his style is florid and ornamented. I shall omit to mention others, such as Lycurgus, Aristogiton, and Isæus, and Antiphon, who lived before them, each of which possessed a different species of the same kind of eloquence.

But what shall I say of Æschines, whom I have just now mentioned? Is he not more free, bold, and sublime than all of them? Or of Demosthenes? Does he not excel all those neat, spruce, gentlemen, in force, elevation, fire, ornament, and composition? Has he no loftiness of sentiment? No beauty of figures? No brilliancy of metaphors? Does he not give voice and animation to lifeless objects? And does not his noble oath, when he swore "by the shades of those patriots, who died at Marathon and Salamis," sufficiently declare, that Plato was his master? Shall we say, that great philosopher partook of the Asiatic manner, though his writings seem to have been divinely inspired? What is the character of Pericles? Can we suppose his eloquence to have been as thin and simple as that of Lysias, when even the poets, who abuse him, compare it to lightning and thunder?

Why, then, do some writers appropriate the Attic manner only to those, whose genius, like a slender rill, trickles and murmurs through small, smooth pebbles? Why should they say, that such alone sip Athenian fragrance from the thyme of Hymettus? It is my opinion, should those gentlemen discover,

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in the territory of Athens, a rich field, or a fertile soil, they would deny it to be Athenian, because it repays more grains than it receives, contrary to the punctuality which Menander, in joking, ascribes to that ground.*

Let me suppose an orator to arise, who shall, to all those powers of speaking which Demosthenes possessed, add all that was defective in that great man, either through his own nature, or through the constitution of his country. Let me suppose such an orator to exert a greater command over the passions, and to do more execution, than Demosthenes ever did; I think I see one of those critics shake his head and tell us, "Demosthenes would not have spoken so." Supposing, if it is possible, that the same orator's periods are more flowing and harmonious than those of Demosthenes were, I think, I hear him gravely pronouncing, This is not the Attic manner. For shame! let us do more justice to that noble epithet, by believing that, to speak in the ATTIC manner, is no other than speaking in the BEST manner.

I can bear with a Greek, though he is under the delusions I have mentioned. For, with regard to Latin eloquence, it seems to be entirely founded upon the plan of the Greek, as to invention, disposition, conduct, and such other properties; but it falls so greatly short of it, in point of elocution, as not to admit even of imitation. The Greek language has something in it that is musical in the sound; and we are without two† of the sweetest letters, the one a vowel, and the other a consonant, though we are obliged to borrow them whenever we make use of

* There is a great deal of justice in what our author observes here: and can it be too much considered by the admirers of that tasteless, insipid correctness, so much recommended by the French Academy, and which cloaks all poverty of genius and composition?

† Meaning the (υ) and the (ι).

their proper names. When that happens, it gives our style an inexpressible chearfulness; witness the words zephyrus and zophyrus, which, when written in our characters, have a dull barbarous sound, and throw a gloom over the style; which is not the case of the Greek elocution. For the (F) which is the sixth letter of our alphabet, has, what I may call, an inhuman sound, or rather no sound at all; for it is no more than a whistle through the teeth; if it goes before a vowel it is no more than a quiver of the lips, and it makes a fracture* of all harmony when it precedes, first a consonant, and then a vowel, in the same syllable, or falls in with other consonants. As to the Æolic letters, or the digamma, we have indeed discarded them, but, in fact, we still pronounce† them. Our letter (Q) likewise gives a harshness to a syllable, and it is of no manner of use but to connect two following vowels, as in the words equity and equanimity, where we have a sound which the Greeks had not, and, therefore, it cannot be expressed in their characters. Add to this, that many of our words terminate in that bellowing letter (M) which the Greek does not, for instead of the (M) they make use of the (N) which we very seldom employ in the end of a word; though there it has what we may call a fine silver sound. Our language is under another disadvantage that many syllables rest upon the (B) and the (D) which is so disagreeable, that several of our old (I do not mean our very old) authors endeavoured to soften it

* I have here imitated Quinctilian, who gives us an example of what he was saying in the word frangit, which falls in with the sense at the same time. Meanwhile I cannot help observing, that there is somewhat pretty whimsical in all his criticism here; unless we suppose, what I believe is truth, that we have actually lost the true manner of pronouncing both languages, the Latin as well as the Greek.

† As in the words servum and cervum.

by

by throwing out the (B) as in the word aversa for abversa, and by saying abs instead of ab, which must be owned to be no great improvement.

But even in accenting our language we have much less ease and variety than the Greeks; because the last syllable is never raised by an acute note, nor softened by a circumflex, and our cadence always turns upon one or two grave accents. The Greek prose is therefore much sweeter than the Latin, and when our poets want to harmonize their lines, they adorn them with Greek words. But the greatest disadvantage of all we are under, is, that a vast many things cannot be expressed by a single word in our language; so that we are obliged to express them either metaphorically or paraphrastically. And even when we have terms to express a thing, there is in our language such a poverty, that we are obliged to speak the same words over and over again, while the Greeks have great variety, not only of words, but of idioms.

If we are therefore required to speak with the grace and purity of the Athenians, let us first be furnished with the same sweetness and variety of language. But if that is impossible we must make the best use we can of the words we have: let us not dress a tender sentiment in too strong expressions (to call them no worse), for both the style and the subject become ridiculous by being blended together. Let us supply the poverty of our language by invention and matter; let our way of thinking be noble, and our manner diversified; let us know how to touch every passion of the soul, and to give a lustre to our style by the beauty of figures. If we fall short of the Greeks in delicacy, let us out-do them in strength. If they excel us in smoothness, let us make amends by weight. If they have more resources of language, let us have more of art. The

language of the Greeks is so fortified with rules, as to afford, as it were, roads and harbours that protect even their mostordinary expressions. Let us crowd on more sail; let us move with more expansion, and a stronger gale of genius. Let us not, however, always keep in the open sea; for we must sometimes coast along the shore. The Greeks can surmount every shelve and shallow. It is enough for me if my little bark has depth of water sufficient to bring it into the harbour.

The Greeks, it is true, can handle slight and delicate subjects better than we, and in this particular they excel us. For which reason we own their superiority in the drama: yet am I not for abandoning entirely that province; I am for cultivating it as well as we can. It is still in our power to rival the Greeks in regularity and judgment; and when our single words want gracefulness in themselves, let us supply it by other ornaments of diction. Behold Cicero, even in treating ordinary subjects, does he fail in perspicuity, in penetration, in harmony, or propriety? Was not this too the character which distinguished Marcus Callidius? Were not Scipio, Lælius and Cato so many attic Romans in eloquence? Can we desire any thing beyond perfection?

Some think that no eloquence is natural, but the language we make use of in the ordinary occurrences of life, when we talk with our friends, our wives, our children, or slaves; and confine ourselves barely to express our meaning, without bestowing any manner of care or ornament upon our words. They think that every thing farther is mere affectation and vanity, prejudicial to truth, and no more than mere sounds, invented to disguise words; the sole property of which ought to be to express our meaning. "Whatever, say they, does not serve to

do that, resembles the persons of those wrestlers, who, though they are strengthened by exercise and regimen, have not their natural form, and differ from the human shape. To what purpose, continue they, should we make use of paraphrastical or metaphorical expressions, by multiplying and changing words, when every thing has a denomination of its own?" The same gentlemen then go on to shew that mankind at first spoke merely according to nature, afterwards (but with more caution), they imitated the poets in deviating from her, and that both acted from wrong and mistaken notions, which confounded truth with falsehood.

Such are the arguments made use of upon this occasion, and, it must be owned, they have their weight, and that we ought not to deviate so much as some do from the ordinary, natural forms of speaking. But (as I observed before, when I was upon the subject of composition) why is a man to be blamed so severely for improving the natural barrenness of language, when it is but barely sufficient to express what is necessary for us to say? For my own part, I think that the character of common discourse is quite different from that of eloquence. If an orator had no other business than merely to state a matter of fact or opinion, he would have no great occasion to be very solicitous about the choice of his expressions. But as his profession leads him to give delight and emotion, and to mould the mind of the hearer into various affections, he is justified in taking advantage of those assistancies, which even nature bids him employ. For it is natural for a man to brace his nerves, to improve his strength, and mend his constitution by exercise. For this reason, in all nations, some are more eloquent, and have a more agreeable manner of speaking than others. Were

not

not that the case, we should be all upon a level, as to gracefulness and propriety of speech. But we see that mankind in speaking have a regard to character; from which I conclude, that the more powerfully a man speaks, he speaks the more conformably to nature.

I am therefore not at all against the practice of a speaker accommodating himself to the occasion and his audience, when he is called upon to say somewhat that is more elegant and moving than common. I likewise do not imagine that Cato and the Gracchi imitated the speakers who had been before them; nor do I think that a modern speaker ought to copy after them. I perceive that Cicero, who always preferred utility, but without neglecting ornament, used to say (and he certainly spoke the truth) that the more delight he gave to his hearers, the more service he did to his clients. Thus we see, that the more he pleased the better he succeeded. Nor indeed do I think that it is possible to add any thing to the beauties of his style; unless perhaps modern pleaders are more profuse of sparkling sentiments. It is true, if the cause and our own character will suffer it, we may make frequent and continual use of such ornaments; provided still that they are not so thick set as to choak one another.

But having yielded thus much, I am not to be pushed farther. I am not for having an orator's robes made of the very coarsest of materials, neither would I have him cloathed in flaunting silks. I would have his hair properly dressed, but not curled into ringlets, and stories rising one above another. For, in my opinion, whatever is most decent is most becoming. And our manners approach nearer to true beauty, the farther they are removed from luxury and wantonness. I perceive by Cicero, that quick pointed sentiments were not practised by the ancients,

ancients, especially by the Greeks; but they undoubtedly are allowable, provided they are connected with the cause, provided they are not too thick set, and always tend to carry the main point: they awaken the attention, they move the mind, they make an impression often at the first touch, though quick, they are permanent, and though uncommon, persuasive.

Some are of opinion, that these striking embellishments of eloquence, though allowable in an oration, ought to be excluded from all other compositions of prose writing. It is, therefore, proper for me to examine this point, because some, even men of learning, have thought that speaking and writing ought to be exercised in very different manners. For this reason, say they, some of the most eminent pleaders, such as Pericles and Demades, have left no composition in writing to posterity; while others, as Isocrates, though unfit for pleading, excelled in composition. Add to this, exertion does a great deal in pleading; and we must sometimes venture upon very bold strokes of action and expression; because, we very often have occasion to move and inform the ignorant and uninstructed. Whereas, whatever is consigned to paper, and published as a model of writing, ought to be correct, polished, and composed in the most finished, regular manner; because it is to fall into the hands of men of knowledge, who are themselves critics and judges, and performers.

For my own part, I think, that we ought to speak and write upon the same principles, and by the same rules. And a pleading when it is written, is no more than a copy of the same pleading as it was pronounced. Therefore, in my opinion, both of them admit of the same beauties, and are liable to the same blemishes; for I am sensible that a speaker

is sometimes obliged to commit faults that he may please the vulgar taste.

In what then does the pronounced discourse differ from the written? My answer is; that give me a bench of able knowing judges, I would curtail a great deal from the orations not only of Cicero, but of Demosthenes; whose manner of pleading is far more compact than that of Cicero. Before such a bench there is no occasion to move the passions, or to court the ear: nay, Aristotle thinks, that even the introduction may be dispensed with in that case. Such arts are all lost upon discerning judges. It is sufficient to them if the case is truly, and significantly stated, and the proofs fully established.

But when the people, or part of the people, are to be our judges; when often men of no education, nay, and often mere clowns, are to pronounce a sentence, then we are to apply every art which we think can be of service to our purpose; and when we come to reduce it to writing, we thereby instruct others how they ought to speak under the like circumstances. Should I wish that Demosthenes or Cicero had not spoken as they wrote? Or that we had not known those excellent orators by their writings? Let me then suppose that they spoke either better or worse than they wrote. If worse, then they should have spoken as they wrote; if better, then they should have wrote as they spoke.

Well then; it may be said, is an orator always to speak as he writes? Yes; if he is at liberty to do so. If he finds himself pinched by the judge having prescribed him too short a time, he will retrench a good deal of what he would otherwise have said; but if he publishes his speech, it will contain all he intended to say. Supposing he is obliged to accommodate his pleading to the stupidity of the judges; yet he will not, for all that, hand it down

to

to posterity in that shape; for they will impute its blemishes not to his wanting time, but abilities. Yet, I cannot help saying that a great deal of our success depends upon our hitting the judge's fancy and apprehension; for which reason, Cicero says, that an orator should always have a full view of the judge; that he may thereby consult his look, in order to press home what he sees pleases, and avoid what he thinks disgusts him; and with regard to style, we ought to employ that which the judge can most easily apprehend.

There is the more reason in this, because an orator is sometimes obliged to suit himself to the conception of a witness. An orator once asked a witness whether he knew Amphion; the witness said he did not; and then the orator, being a man of sense, sunk the aspiration, and making the second syllable of the word short, the witness knew him very well. In such cases as this, we may sometimes be obliged to speak differently from what we write; because we are not at liberty to speak as we write.

There is another division of style, which, too, falls under three kinds, and I think the distinctions are very proper. The first is the smooth kind, the next the strong and manly, and the third partaking of both is the florid. Of these three kinds, the first, if fitted to inform, the second to move, the last to please, or, if you will, it is fitted to sooth and conciliate. Now perspicuity is required in informing, gentleness in conciliating, and power in moving. In stating, therefore, or proving a case, the smooth manner conducted by perspicuity is most proper, and, independently of all other properties, is sufficient for those purposes. The florid is more marked with metaphors and adorned with figures; its sallies are gay, its turns agreeable, and its periods pleasing; and

and the whole moves with ease, like a lucid stream over-arched from each border by shady groves. But the strong and manly manner bears all before it; like a torrent, which resistless in its sway, carries away whole rocks, disdains a bridge, and breaks down its banks, it forces along the affection of the judge, all his resistance is weak, and he must follow the stream.

Here an orator will raise the dead; he will bring an Appius Cæsus from the grave; he will organise the inanimate, and, like Cicero in his invective against Catiline, he will introduce his country holding a discourse, or urging a complaint. He will give his language every power of exaggeration and amplification; he will bring in the voracious Charibdis, and his indignation will afterwards rise to the all-devouring ocean; figures of eloquence which are well known to the studious. He will even introduce, and hold a conference with the gods. He will call out, You, ye Alban mounts and groves, I implore and attest, and you, ye dismantled altars of the Albans, companions and partners with Romans in their rites!" He will inspire passion and pity; he will say, "He saw you, he wept, he implored you;" and then he will guide us through every emotion of soul, while the judge, all the while, insensibly yields to whatever the orator says, without wanting to be farther informed.

If, therefore, we are obliged to attach ourselves to one of those manners, can there be a doubt that this last is preferable to the others; that it is by far the most powerful, and the best fitted for causes of great importance? Homer assigns to Menelaus the first kind of eloquence I have mentioned, which requires conciseness, serenity of mind, propriety, by which I mean, correctness, of style, and an expression which speaks the very thing it ought. The same great poet

makes Nestor to possess an eloquence that flows sweeter than honey itself, which gives us the highest idea of delight. But when he comes to characterise Ulysses, he unites in him both the former manners, but adds to them power and strength. He, therefore, compares his eloquence to a stream swelled by winter snows, and his command of words to the rapidity of its torrent. With such a speaker, what mere mortal will dare to contend? Mankind surely will admire him as a god.

Such was the quickness and power which Eupolis admired in Pericles, and which Aristophanes used to compare to the thunderbolt: such, in short, are the propertics of true eloquence.

But eloquence is not to be confined even to those three manners. For, as there is a large interval between the smooth, and the strong, manner, so each of these admits of certain degrees, and a mixture of the two composes a certain middling style. Now smoothness admits of being more or less smooth, and we may say the same of strength; neither manner is to be always on the full stretch. The florid, gay style, too, may either soar to the strong, or skim along the surface of the smooth. Thereby, a vast number of manners are formed, which in one respect or other have their several differences. Thus, though we commonly say, the wind comes from one of the four cardinal points; yet, when we either travel or sail, we are sensible there are a great many intermediate points from which it blows. The same observation holds with regard to music; the harp for instance, has four capital notes, but each of these admits of so many subdivisions and degrees, that they produce an infinite variety of sounds and tunes.

Eloquence, therefore, can assume a great many appearances, but it would be ridiculous to say which is most becoming to an orator, or to which species he should

should attach himself; because every species, provided it is well formed, has its peculiar use, and the business of an orator comprehends the whole system of eloquence. For he will, as occasion calls, suit every species, not only to the whole, but to the several parts of his cause. As he will not speak in the same manner for a man who is capitally impeached, as he would in a matter of inheritance, suretyship, or debt; so he will observe a difference of sentiments, when he addresses himself to the senate, to the people, or to courts of justice; and he will shift his character of speaking, according to persons, places, and times. In like manner, he will know when to rouse resentment, and when to procure favour; neither will he address himself in the same manner to the anger, as to the compassion of a judge. He will inform him in one style, and he will move him in another. He will not be the same speaker in the introduction, in the narrative, the argumentative and the pathetic parts. He will vary his style through every manner, the grave, the austere, the keen, the strong, the spirited, the copious, the severe, the agreeable, the easy, the smooth, the delicate, the gentle, the sweet, the concise, and the polite. Thus he will alter his style, yet always be eloquent, always himself. By this means he will speak with effect, power, and success, in what he aims at, which is the great purpose of eloquence, and prove a glory not only to learning, but his countrymen.

I say, such an orator will be the darling of his countrymen; for it is an egregious mistake to imagine, that to speak popularily and plausibly, we must make use of an incorrect, vicious, eloquence; an eloquence licentious in expression to extravagancy; bespangled with points even to puerility; swelled with fustian; run mad with bombast, or pranked out

out with flowers so delicately stuck on, that the slightest breath blows them to the ground; an eloquence that mistakes rashness for sublimity, and runs furious under pretence of being free. It is not at all surprising, nor do I deny, that this kind of eloquence has many admirers. For there is somewhat in all kinds of speaking that is pleasing and amusing, and we love to gratify our curiosity by hearing every man who speaks in public; witness the crowds which haranguing mountebanks draw about their stages. There is, therefore, the less wonder that every public speaker should be surrounded with crowds of gaping admirers.

But when even those crowds hear any thing said that is uncommonly curious, nay, in any sense, extraordinary, so that they know they themselves could not have said the same thing, it is no wonder if they admire it as they do. For it is even no easy matter to rise above the vulgar manner of speaking. But all this fades and dies away, when true eloquence opens her mouth, "as wool that is dyed with wood, to use a phrase of Ovid, seems beautiful by itself, but when compared to true purple, looks dim and faded." Now if we will bestow some critical observation upon the vicious, corrupted eloquence, I have described above, all its beauty vanishes, its colour proves all a cheat, and it grows pale, languid, and loathsome; but where the sun of eloquence does not shine, it may sparkle indeed as glow-worms in the dark. In short, it is true, that vicious eloquence has many friends, but it is equally true, that true eloquence has no foes.

But all those excellencies I have been recommending ought to be executed by an orator, not only to perfection, but with freedom. For the highest abilities in speaking never can give us pure pleasure, if the speaker is haunted with a visible

anxiety

anxiety through the whole of his speech; if he frets, and broils to such a degree that it is with difficulty he articulates his words, and sweats in arranging and weighing his expressions. But when a speaker is bright, sublime, and rich in himself, then Eloquence pours all her stores around him, and there is nothing that he may not command: for we no longer strain against the steep, when we have reached the summit. The great toil of a speaker is, when he climbs from the bottom; for the higher he advances, the soil becomes more fertile and pleasant. If his perseverance shall gradually carry him to the top, there he will find fruits and flowers, spontaneously presented by smiling nature; but, unless they are daily plucked, they wither and perish.

I have often observed, that, without moderation, nothing can be either glorious or salutary; therefore, copiousness itself ought to observe a mean. Brilliancy should unite with strength, and judgment temper invention. The result will be somewhat that is great, without excess; sublime, without extravagance; strong, without rage; serious, without gloom; grave, without dullness; cheerful, without wantonness; gay, without glaring; and full, without overflowing. In short, a style thus formed, will unite in it all good qualities, by never deviating into an extreme (for all extremes are bad), but keeping the safe, middle path.

CHAP. II.

HOW AN ORATOR IS TO LIVE AFTER RETIRED FROM THE BAR—WITH AN ENCOMIUM UPON ELOQUENCE.

He is to leave Business before Business leaves him—then to instruct young Orators—The Author's Apology for himself—Every Man has Abilities to be virtuous, and Time to be learned—Examples—Exhortation.

AFTER an orator, by such powers of speaking, has distinguished himself in courts, in councils, in public assemblies of the senate, or the people; in short, after he has discharged every duty of a worthy patriot, he will wish to finish his days in a manner becoming the virtue of his person, and the sanctity of his function. Not that he ought to be tired of doing good, or that, endowed as he is with inclination and abilities, he can spend too long a time in this glorious profession; but it well becomes him to provide against his exercising it with less success than formerly. An orator's accomplishments do not lie in learning only (for learning increases with years), but in his voice, his lungs, and his strength. If these be broken, or diminished by age or sickness, he is to take care, that, in his exertion, he fall not short of the finished orator; by stopping through fatigue, by not being understood through weakness, and by wishing himself to be the man he was. I remember to have seen Domitius Afer, who was by far the best orator of all I ever knew, practising at the bar when he was a very old man; but he sunk every day from the reputation he had acquired, and, though all allowed that he was once at the head of his profession, yet some were shameless enough to laugh, while others blushed at his pleading; and this gave occasion for

some to observe, that he chose rather to sink under business, than retire from it. Not that he did not always speak well; but he did not speak so well as formerly. Therefore, an orator, rather than be exposed to those shelves of old age, ought to tack about, and make for the harbour, while his vessel is yet tight and strong.

An orator, even when thus retired, may be as usefully employed, nay, in his own profession, as ever. He will compose memorials, or histories, that may be of service to posterity; or, as Cicero, in his treatises, makes Lucius Crassus do, he will give opinions to those who apply to him; he will write upon the art of eloquence, or he will lay down the most beautiful rules of life, with a dignity becoming the subject. His house, when he is thus retired, will become the resort of our noblest youths, and they will consult him as an oracle, upon the true Art of Speaking; while he, like a parent, will form them to eloquence, or like an ancient pilot, will instruct them in the coasts and harbours, how to spy a storm coming, and how to steer the vessel in fair, as well as in blowing weather. And all this, not only from a principle of good-nature and love to mankind, but from his affection to the art itself. For it is natural for every man, who has been at the top of a profession, to wish that it may never go to decay.

Meanwhile, in any case, can any thing be more honourable, than for a man to instruct others in what he himself knows perfectly? Thus, Cicero tells us, that Cælius was brought to him by his father for instruction. Thus, like a schoolmaster, he trained up Pansa, Hirtius, and Dolabella, by being sometimes the speaker, and sometimes the hearer. Nay, to say the truth, I am not sure, whether we ought not to think that to be the happiest period of life, when a man,

man, retired, and, as it were, hallowed from the world, free from envy, and far from strife, raises his reputation above the reach of malice; and, while alive, sees the veneration in which his memory will be held by posterity, and which is seldom paid to others till they are dead. For my own part, I am conscious, that, according to the best of my abilities, I have candidly and unreservedly opened, to all who desired instruction, all the stores of knowledge I was master of formerly, and all I have acquired while I was composing this work; and the best of men can do no more than teach what they know.

I am afraid, however, that I may be thought unreasonable in requiring an orator to be at once virtuous and eloquent; or in adding to those arts, which are to be learned in youth, many moral precepts, and the knowledge of the civil law, besides all the requisites of eloquence. These, indeed, are matters that I have judged necessary, in the course of this work, but the difficulty of acquiring them may deter some from the study, and make them despair before they attempt it.

But let such gentlemen, in the first place, examine the vast extent of the human understanding, and what vast power there is in a willing mind. The arts of navigation, astronomy, and geometry, though not near so valuable, are more difficult than that of eloquence. Let them, then, look up to the prize that is set before them, which is great enough to reward the severest toil. Nay, could they but have an idea of its greatness, they would apply it with such pleasure, that, far from thinking their attempt impracticable, they would scarcely think it painful.

For the chief and principal business of an orator, which consists in being a man of virtue, depends chiefly upon himself; because, if he resolves in good earnest,

earnest, to be virtuous, he will easily attain to those arts which lead to virtue. For all that is requisite to this purpose is neither so difficult or perplexed, as not to be acquired in a very few years. It is our own repugnancy that creates difficulties. Believe me, the way to truth and happiness is short and practicable to the willing mind. Nature has formed it with honest inclinations, and when we are so inclined, it is so very easy to be virtuous, that, if we seriously reflect, nothing is more astonishing than to see so many wicked. For to live according to nature, rather than contradict her, is as agreeable as the water to fishes, the earth to beasts, or the air to birds.

As to other qualifications, we have years enough to acquire them, even though we make old-age no part of life, but confine our time to youth. For order, consideration, and method, shorten all labour. But the fundamental fault lies in the masters, who love to keep a young gentleman under them, sometimes from greediness of their paltry fees, sometimes from the vanity of having their profession thought very difficult, sometimes through ignorance, and sometimes through indolence. The second fault lies in the young gentlemen themselves; for we are often more fond of dwelling upon what we do know, than of learning what we ought to know.

For (to confine what I say to this study chiefly) what purpose does it serve to spend, as many do, a great number of years (nay, some spend the best part of their life) in learning to declaim at school; and losing so much time upon chimæras, when so little is required to instruct a young gentleman in real business, and in training him up to make a figure at

Cato the censor was at once an orator, an historian, a lawyer, and a most excellent farmer, and though engaged in great undertakings in war, and in sharp disputes during peace, yet rude as the age was in which he lived, when an old man, he made himself master of the Greek tongue, and thereby became an example to his countrymen, that if they set earnestly about it, they may learn even after they are old. What a storehouse of almost all kinds of knowledge was Varro? What accomplishment required in eloquence was Cicero void of? But why need I to multiply instances? Cornelius Celsus, a man of but a middling genius, wrote not only upon all the arts I have been recommending, but upon war, agriculture, and medicine; and in my opinion even his laudable ambition, had he no other merit, should induce us to believe that he knew them all.

But say some, it is difficult to attain to perfection (and none have done it hitherto) in so great a work. But in order to encourage us we are to reflect, that a thing not having been done, is no argument that it may not be done. There was a time when whatever is great and admirable in nature did not exist; and Demosthenes and Cicero added as much perfection to eloquence, as Homer and Virgil did to poetry. In short the time was, when the best was not. But as Cicero observes, it is noble to stand in the second or third rank, when a man despairs to stand in the first. If a man cannot be an Achilles in war, he may have the glory of being an Ajax or a Diomede. If in poetry, he cannot be a Homer, yet he may be a Tyrteus.

Had mankind been always under the mistake of each thinking it impossible for himself to excel the best that went before him, we never should have known what excellence was in the arts. Virgil

never would have excelled Lucretius and Macer in poetry; nor Cicero, Crassus and Hortensius in eloquence; nor can any man who shall have that notion ever excel hereafter.

But it is glorious to come next to an orator, though we cannot surpass him. Pollio and Messala began to plead, when Cicero swayed the sceptre of eloquence; and had they not great dignity in life? Are not their names now glorious, though they are dead? Fatal would the service be to mankind in bringing arts to perfection, should that perfection ever be at a stand, by discouraging future attempts. Let me add, that there is great utility in even a a moderate share of eloquence. And if utility alone was to be our standard to judge by, eloquence is not now far short of perfection. It would be no hard matter for me to prove by examples both ancient and modern, that mankind have never arrived at greater honours, riches, friendships, and present or future glory, than by eloquence. But this consideration is unworthy the dignity of learning, by diverting us from contemplating the most amiable object of nature, the enjoyment of which is so full of pleasure, for any mercenary consideration. This would be like the philosophers, who say, that they do not court virtue for herself, but for the pleasure which she gives. Let us therefore endeavour with all our abilities, to acquire the majesty of eloquence, the greatest blessing the immortal gods have given to mankind; for without it all nature would be mute, and all this creation would be now, and hereafter, a mere unenlightened mass of matter. Let us always aspire to excellence, and, in so doing, we either shall reach the summit, or look down upon thousands that are below us.

Thus,

Thus, my friend Marcellus Victor, I have, to the best of my abilities, communicated to you the rules which I think may facilitate the acquirement of eloquence; and if they do not greatly benefit young students, they will, at least, answer my intention, which is, to leave them a pledge of my affection, and a proof that I wish them well.

FINIS.

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